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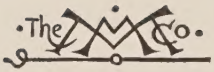
# THE ORIGINS OF THE BRITISH COLONIAL SYSTEM

## 1578-1660

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# THE ORIGINS OF THE BRITISH COLONIAL SYSTEM 1578–1660

*Notre préoccupation des origines n'est pas une pure curiosité . . . L'histoire est proprement la science du devenir . . . Elle est la science des origines, des enchaînements, des développements et des transformations.* — FUSTEL DE COULANGES, Les Origines du Système Féodal, p. xv.

BY

GEORGE LOUIS BEER

AUTHOR OF "BRITISH COLONIAL POLICY, 1754-1765"

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# PREFACE

THIS volume is the first of a series whose purpose is to describe and explain the origins, establishment, and development of the British Colonial System up to the outbreak of the disagreements directly culminating in the American Revolution. The term "colonial system" has no precise meaning, and is vaguely used in varying connotations by different writers. As employed in this work, it is synonymous with that complex system of regulations by means of which, though to a different extent, the economic structures of both metropolis and colony were moulded to conform to the prevailing ideal of a self-sufficient empire. In order to understand this system, it will be necessary to analyze the underlying principles of English colonial policy, especially in so far as they found expression in the laws of trade and navigation. Although they were the kernel, these laws, however, did not constitute the entire system. It will be essential in addition to study the English fiscal system, to the extent that it concerned the colonies; and also the colonial legislation in regard to slavery, customs duties, currency, bankruptcy, and similar matters that vitally affected the economic relations of the dependencies to the mother country. The economic life of the colonies, especially their commercial and manufacturing activities, will also have to be investigated, in order to be able to gauge the effects of the system controlling it. Furthermore, as the large body of English legislation regarding



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the colonies required the appointment of officials for its execution, it will be requisite to describe this administrative machinery, more particularly with the specific object of ascertaining to what extent the laws were enforced. Finally, as the economic and political systems were inseparably connected, in order to elucidate the one, it will be necessary to discuss its relations to the other. From the foregoing, it is plain that the attention will be mainly fixed on the economic features of the old British Empire. But the work is intended to be both something more and also something less than an economic history of this political organization. Some phases of this development will be ignored as not pertinent, and other aspects will be brought into greater relief than would be proper were this purely an account of economic evolution.

GEORGE LOUIS BEER.

Upper Saranac Lake,
August 18, 1908.

# CONTENTS


CHAPTER I

PAGE

THE BEGINNINGS OF ENGLISH EXPANSION . . . . . 1

CHAPTER II

EMIGRATION AND OVERPOPULATION . . . . . 32

CHAPTER III

THE ECONOMIC THEORY OF COLONIZATION . . . . . 53

CHAPTER IV

THE EARLY HISTORY OF TOBACCO . . . . . 78

CHAPTER V

THE ENGLISH FISCAL SYSTEM AND THE COLONIES, 1604–1620 . . 101

CHAPTER VI

THE STUART REGULATION OF THE TOBACCO INDUSTRY . . . 117

CHAPTER VII

THE RESTRICTIONS ON THE COLONIAL EXPORT TRADE . . . 176

CHAPTER VIII

THE EXCLUSION OF FOREIGNERS FROM THE COLONIAL TRADE . 220

CHAPTER IX

THE ECONOMIC DEVELOPMENT OF THE COLONIES, 1607–1642 . . 241

## CHAPTER X

PAGE

THE IMPERIAL ADMINISTRATIVE SYSTEM, 1606–1640 . . . . 295

## CHAPTER XI

THE EMPIRE DURING THE CIVIL WAR, 1642–1649 . . . . 340

## CHAPTER XII

THE COLONIAL POLICY OF THE COMMONWEALTH AND PROTECTORATE, 1649–1660 . . . . . 360

LIST OF ABBREVIATIONS . . . . . 425

INDEX . . . . . 427

# THE ORIGINS OF THE BRITISH COLONIAL SYSTEM

1578–1660

# CHAPTER I

## THE BEGINNINGS OF ENGLISH EXPANSION

Modern political science is based upon the fundamental proposition that the state is an organic entity. Consequently its history, like that of any other organism, is twofold in nature, — internal and external. Its internal development finds expression in the constitutional, economic, and social systems, and in ultimate analysis is merely a succession of compromises securing a temporary equilibrium between the claims of the individual to complete freedom of action, and the opposing efforts of society to force the individual to subordinate his own particular interests to those of the commonwealth. The state, however, is not an isolated unit, but lives in an environment of other political organisms, and its external activity is conditioned by this fact. Internal development and external growth react mutually upon each other, and a period of marked successful readjustment of the social forces within the body politic is usually followed by years of quiet in internal affairs, and of corresponding activity in outward expansion, and so on in a regular series. Though at all times profoundly influenced by the course of internal development, the colonizing activities of the state are naturally primarily a part of its international history.

The expansion of England in the seventeenth century

was not the result of isolated or fortuitous circumstances, but, like all great historical developments, it was intimately connected with the main currents of the world's political evolution. In its broadest phase, the colonial movement was an episode in the perennial conflict between East and West, — the two antithetical extremes which have never been able to meet on a common ground. From time immemorial up to the discovery of America, the most important of world trade-routes has been that connecting the Occident and the Orient. This commerce brought to Europe the spices, silks, ivory, and precious stones of the East, and greatly enriched those communities most favorably located for engaging therein. During the middle ages, access to the East could be obtained virtually only from the Mediterranean, and as a consequence, the Italian cities were able to control this commerce. From Italy the Eastern products were sent to the German Hanseatic cities, whence they were distributed to the rest of Europe. As a result of their location on this primary trade-route, these cities were exceedingly prosperous and powerful. This condition lasted until the rise of the Ottoman power in the fifteenth century, when the Turks not only captured Constantinople, but also developed a formidable navy and made themselves masters of the Mediterranean. As a consequence, Europe was to a great extent cut off from trade with the East.

The dissatisfaction with this state of affairs and the imperative demand for a renewal of regular commercial intercourse with the Orient led to that period of intense scientific and exploring activity, which culminated in the discoveries

of Columbus and Vasco da Gama. Almost simultaneously a new highway to the Indies was revealed, and a new world was opened to Europe for economic exploitation. To the rich commerce of the Indies was added the untold wealth of America. The consequences were revolutionary. The old trade-routes were abandoned, and the prosperity of the Italian and German cities was a thing of the past. The future belonged not to the Mediterranean countries, but to those on or near the Atlantic seaboard. Spain and Portugal, to whom the credit of these two great discoveries was due, naturally profited first thereby. In this, these two states were aided not only by prior discovery, but also by the bull of demarcation issued by Alexander VI. This document, dividing the entire unexplored and pagan world between these two states, constituted an unquestionable title which, prior to the Protestant Revolt, no other nation dreamed of challenging. For a time Spain and Portugal enjoyed their monopoly, but it was inevitable that other nations should fret under the restraints imposed by the papal bull, and should seek a share of the wealth flowing into the states of the Iberian peninsula. Because of the bitter religious wars, France was in no position to enter as competitor into the field. Nor was Germany better situated; for not only did religious wars ravage that country, but in addition, the extreme decentralization of the state would in itself have prevented any effective national commercial and colonial policy.[1] With the French and Germans out of the

[1] *Cf.* Ehrenberg, Hamburg und England im Zeitalter der Koenigin Elisabeth, p. 39; Schmoller, Umrisse und Untersuchungen, pp. 34, 35.

contest, Portugal's monopolistic barriers in the East and Spain's in the West were to be pulled down by the Dutch and the English.

It was only a few years after Columbus's landfall, that England entered upon the movement which, with many vicissitudes of fortune, has resulted in the present British Empire. In 1496, Henry VII granted to John Cabot and his sons a patent, which contemplated not only the discovery, but also the political acquisition of some then unknown lands to the west of England.[1] This intrepid navigator succeeded in reaching North America, but beyond furnishing England with a technical legal claim to this territory, his exploit was barren of tangibly concrete results. Although in the years following immediately thereafter, some similar enterprises were authorized by the English government,[2] the movement was premature and abortive. England was a comparatively poor country, and did not have the necessary resources for such expensive undertakings. The country had not yet fully recovered from the destruction wrought by the protracted Wars of the Roses, and in addition, the relations with Scotland had not yet been established on a durably peaceful basis.[3] Later, the nation was to a large extent absorbed in the religious questions raised by Henry VIII's breach with Rome, and had no surplus

[1] Hakluyt VII, pp. 141–144.

[2] Biddle, Cabot, appendix, p. 312; Rymer XIII, p. 37; Hazard I, p. 11.

[3] Sebastian Cabot wrote that, upon his return to England, he "found great tumults among the people, and preparation for warres in Scotland: by reason whereof there was no more consideration had to this voyage." Hakluyt VII, p. 148. *Cf.* Hakluyt, Discourse, p. 101.

stock of energy to devote to colonization. But above all, before the success of the Protestant Revolt, the papal bull debarred Catholic England from access to the most attractive parts of America.[1] Thus for nearly two generations, the work was intermitted; and was then resumed in the exploring, commercial, and colonial activity of the Elizabethan age. The connecting link between these two periods is supplied by the hardy fishermen from the western ports of England, who in the interval were beginning to frequent Newfoundland and its fishing banks.

There is a close connection between the varied activities of the Elizabethan seamen and the future colonial movement. With the object of establishing direct commercial relations with the Far East, many devoted their attention to finding a northern route to those semi-legendary lands of fabulous riches. The famous lines of Horace:[2]

> Inpiger extremos curris mercator ad Indos,
> Per mare pauperiem fugiens, per saxa, per ignes,

were quoted time and again by those enthusiastically supporting the complex movement of commercial and colonial expansion.[3] To a certain extent they furnish the keynote to this manifold activity. The expedition of 1553 under Chancellor and Willoughby, which Sebastian Cabot supervised, was unsuccessful in its quest for a northeastern

[1] *Cf.* Brown, Genesis I, p. 2 n.

[2] Epist. lib. 1, lines 45, 46.

[3] William Vaughan, The Golden Fleece (London, 1626) III, p. 59; Thomas Morton, New English Canaan (London, 1632), p. 13, in Force II, no. 5. Malynes also quoted these lines in his *Lex Mercatoria*.

passage, but led directly to the formation of the Muscovy Company. Moreover, it was in searching for a northwestern route to the East that Sir Humphrey Gilbert's interest was deflected to the colonization of America. For a long time this continent was in the eyes of many merely a halfway station to the ultimate goal in the East.

It was, however, the bitter conflict between Spain and England that more specifically directed the attention of Englishmen to the new world. They gradually realized that Philip II's power rested ultimately upon the stream of wealth that steadily flowed into his coffers from the rich mines of New Spain, and that America was the main bulwark of the cause of the Counter-Reformation. Thus in 1583, Sir George Peckham, one of the leading spirits in the colonial movement, drew attention to the great riches that Spain was deriving from this source, and sought to awaken his countrymen "out of that drowsie dreame wherein we have so long slumbered," in order that they might colonize America, because by so doing they would strengthen England, and correspondingly weaken her inveterate enemy.[1] Similarly in the following year, Richard Hakluyt pointed out that Spain's monopoly of the resources of America was dangerous to Europe, and that the adoption of a policy of expansion by England would curb Philip II's power.[2]

In order to accomplish this result, it was first necessary to break the monopoly conferred upon Spain and Portugal by the papal bull. Already in the reign of Henry VIII,

[1] Hakluyt VIII, pp. 95, 96.

[2] Hakluyt, Discourse, pp. 45, 52 *et passim.*

William Hawkins of Plymouth made several voyages to Brazil,[1] and soon thereafter, this exploit was imitated by others.[2] Shortly after the accession of Elizabeth, his famous son, John Hawkins, sailed to Africa, where he obtained a number of negroes, whom he sold in the Spanish colonies.[3] This was but the precursor of similar voyages by Hawkins and others. The attempt to break the Spanish monopoly was taken up on a more heroic scale by Sir Francis Drake, in the course of which he succeeded in circumnavigating the globe.

In times of nominal peace between England and Spain, Drake did not hesitate to attack Spanish vessels and cities in the new world. The rules governing international relations were still in a very inchoate state, and were just beginning to crystallize into a rudimentary legal system. But these rules were not deemed applicable to distant waters. The normal relation between European nations in the far Atlantic and Pacific was one of chronic fighting, armed commerce being the rule and not the exception. Consequently these actions did not necessarily disturb the peace of the interested European powers. They were not piratical, in the modern sense of the word. At most their legality was questionable,[4] for it was an accepted maxim that there

[1] Hakluyt XI, pp. 23–25. [2] *Ibid.* p. 25. [3] *Ibid.* X, p. 7.

[4] According to Grotius, "bellum aliud est privatum, aliud publicum, aliud mixtum." The right of private war exists when public justice ends, for the law which prohibits our seeking our own by other than judicial proceedings must be understood to apply only where judicial aid can be had. "Judicium," or judicial aid, ceases either temporarily or continuously. It ceases continuously, either de jure or de facto. It ceases de jure, "si quis versetur in locis non occupatis, ut mari, solitudine, insulis vacuis, et si qua alia sunt loca, in

was "no peace beyond the line," — in the vast spaces west of the Azores and south of the Canaries.[1]

When in 1580 Drake returned from his voyage around the world with an immense quantity of plunder, the Spanish ambassador in England demanded the restitution of this treasure. No official reply was made, but the general attitude of the English government was that the Spaniards had brought these evils upon themselves, "by their injustice toward the English, whom, *contra ius gentium*, they have excluded from commerce with the West Indies." Elizabeth refused to recognize the validity of the papal bull of demarcation, and asserted the right of England to trade and colonize in uninhabited places.[2] The Queen and a number of her chief advisers were pecuniarily interested in Drake's booty,[3] and to some extent his actions were not purely those of a private individual, but rather those of a non-officially recognized agent of the government. Thus somewhat later, in the reign of James I, it was contended that these voyages of Hawkins and Drake were "no private but public actions."[4] The result of their work was a pal-

quibus nulla est civitas." Grotius, De Jure Belli et Pacis (ed. Whewell) I, pp. 94–96.

[1] "Imaginez deux lignes idéales qui coupent le monde par la latitude du tropique du Cancer et par le méridien de l'île de Fer. C'est ce qu'on appelait, au xvi[e] siècle, les *Lignes de paix;* au delà, que les nations fussent en paix ou non, la seule loi reconnue était le droit du plus fort." Ch. de la Roncière, Les Routes de l'Inde, Revue des Questions Historiques, New Series XXXII, p. 159.

[2] E. P. Cheyney, International Law under Queen Elizabeth, English Historical Rev. XX, pp. 659, 660.

[3] J. S. Corbett, Drake and the Tudor Navy I, p. 311.

[4] Cal. Col. 1574–1660, p. 16, no. 32.

pable breach in Spain's monopoly. They gave strength and validity to the claim, that England was at liberty to acquire and settle uninhabited lands in America. The colonizing activities of Gilbert and Raleigh were made possible by the exploits of their contemporaries on the Spanish Main and in the South Sea.

In 1578, Humphrey Gilbert, who was especially interested in finding a northwestern passage to the Far East, received a patent from the Queen permitting him to found a colony in America. The first attempt was a complete failure, and his second expedition was equally unsuccessful, except in so far as during its course, in 1583, he took formal possession of Newfoundland. Upon Gilbert's death, his half-brother, Walter Raleigh, continued the work, being empowered to colonize America by letters patent issued in 1584.

The attempts at settlement under this charter ended most disastrously, to some extent because Raleigh and his associates were occupied in warding off Spain's culminating attack upon England. After the defeat of the Armada, virtually nothing was done to colonize North America. Raleigh was attracted to Guiana by the prospect of unlimited wealth to be derived from its fabled El Dorado. In the East Indies, however, Englishmen were more fruitfully active; a number of separate voyages were undertaken, and in 1600 the East India Company was incorporated.[1] It was the England of James I, which carried to its logical conclusion the work of the Elizabethan "sea-dogs" in erecting permanent colonies on American soil.

[1] W. W. Hunter, A History of British India I, pp. 213, 234 *et seq.*

In 1604, shortly after the accession of the first Stuart king, the protracted conflict with Spain was brought to an end. In the negotiations, Spain endeavored unsuccessfully to obtain some acknowledgment of the illegality of England's trade with the Indies, but rejected the proposition "that a proclamation should be issued forbidding English subjects from trading with places actually in the occupation of the Spanish Government, on condition hat Spain would withdraw all pretensions to exclude them from trading with the independent natives." No mutually satisfactory understanding could be reached, and consequently the entire subject of America was ignored in the treaty.[1] The peace deprived a large number of men of their wonted employments, of whom some, in Gorges's quaint words, "chose to spend themselves in seeking a new world." [2] Influenced to a large extent by dynastic reasons, James I was anxious to preserve the peace with Spain. But he had no intention of abandoning the position, which the exploits of Hawkins and Drake had enabled England to assume, and by granting in 1606 letters patent for the colonization of North America, he definitely adopted the view that the papal bull in no wise prevented Englishmen from settling in those parts of the new world uninhabited by the subjects of any other European power.[3]

[1] S. R. Gardiner, Hist. of Eng. 1603–1642, I, pp. 211, 212.

[2] Gorges, A Briefe Narration, pp. 16–19.

[3] The general attitude of England toward the papal bull is well illustrated by the following excerpt from a contemporary pamphlet, "Nova Britannia," written in support of the Virginia enterprise. The author thereof, speaking of the bull, asked: "But what is this to us? they are blind indeede that stumble

This charter contemplated the erection of two colonies, and under it the southern adventurers formed the settlement, which after two decades of misery and tribulation developed into the firmly established colony of Virginia. The northern adventurers under the patent of 1606 were, however, less successful. Their attempt to found a settlement was a disheartening failure, but under their auspices the coast of New England was explored. At the same time also, fishing voyages to this region were with increasing regularity being undertaken from England. Finally, in 1620, within the area granted to the northern company in 1606, was founded New Plymouth, and nine years later the Massachusetts Bay Company received its charter, under which was formed a homogeneous and compact community. In the fourth decade was also established the colony of Maryland. In the meanwhile, Newfoundland, of which Gilbert had taken formal possession in 1583, was being settled by various individuals and associations. These attempts were not very successful, but they formed the basis of the future colony, and served to make good England's title to the land. In the fifth decade of the century, with large gaps between them, the English colonies stretched

there; it is much like that great donation of *Constantine* whereby the Pope himselfe doeth hold and claime the Cittie of Rome, and all the Westerne Empire, a thing that so crosseth all Histories of truth and sound Antiquitie, that by the apt resemblance of those two Donations, the whole West Empire, from a temporall Prince to the Pope, and the whole West Indies, from the Pope to a temporall Prince, I doe verily guesse they be neere of kinne, they are so like each other, the one an old tale vaine and fabulous, the other a new toy most idle and ridiculous." Force I, no. 6, p. 6.

along the entire Atlantic seaboard from Newfoundland to what was then vaguely known as Florida.

But English colonial activity was not confined to the continent of North America. The Bermudas were settled only a few years after the founding of Virginia, and in the third decade of the century Englishmen began to take possession of the unoccupied islands in the Caribbean. In 1624, Thomas Warner began the English colonization of St. Christopher,[1] and in the following year he was empowered by the Crown to settle and to govern this island, and a number of others in the same region.[2] At about the same time Sir William Courten became interested in the settlement of Barbados.[3] In 1627, St. Christopher, Barbados, and the chief of the other islands in the Windward and Leeward groups were granted to the Earl of Carlisle,[4] and thereafter their settlement proceeded at a rapid rate. Nevis, Antigua, Montserrat were all colonized by Englishmen within the following five years.[5] Moreover, the Providence Island Company, which was incorporated in 1630,[6] devoted its

[1] John Smith, The Generall Historie (ed. 1907) II, p. 190.

[2] Cal. Col. 1574–1660, p. 75.

[3] John Smith, *op. cit.* II, p. 198; Cal. Col. 1574–1660, p. 76. Probably the first English to land at Barbados was the crew of a vessel sent out in 1605 by Sir Oliph Leigh for the relief of his colony in South America. Purchas XVI, p. 324.

[4] Col. Entry Book V, pp. 1–12. In 1628, a number of the other islands, including Tobago and Trinidad, were granted to the Earl of Montgomery. Ch. I, Warrant Book 25, no. 22; Ch. I, Docquets, 1627–1628, XIV, Feb. 19, 1628.

[5] Bryan Edwards, West Indies II, pp. 155, 158, 179; Oliver, Antigua I, p. viii. *Cf.* De Vries, pp. 19–21.

[6] Col. Entry Book IV, pp. 1–10. Among the patentees were the Earl of

attention to settling a number of other islands in these waters.

In addition to this varied activity in the West Indies and on the northern continent, a number of Englishmen expended their energy upon colonizing the northwestern part of South America. Already under Elizabeth, Raleigh had devoted considerable attention to this district, and in the beginning of James's reign, before the founding of Virginia, Charles Leigh planted a small colony on the Oyapok River in Guiana.[1] This enterprise miscarried,[2] but interest in this region continued unabated. Sir Thomas Roe, who later acquired enduring fame as ambassador to India, explored the entire coast from the Orinoco to the Amazon, and established a small settlement near the latter river.[3] To the north thereof, in Guiana, Robert Harcourt in 1609 likewise founded a colony.[4] In 1613, thanks to the patronage of Prince Henry,[5] he succeeded in securing a patent for a vast stretch of territory in this district.[6] Harcourt, however, was not able to establish a vigorous and self-sustaining settlement.[7]

Warwick, the Earl of Holland, Lord Say and Sele, Lord Brooke, John Pym, and Oliver St. John. The patent was enlarged in 1631. Cal. Dom. 1631–1633, p. 81.

[1] Purchas XVI, pp. 311–324, 338–351.

[2] John Smith, *op. cit.* II, p. 185.

[3] *Ibid.;* Cal. Col. 1574–1660, pp. 11, 18.

[4] John Smith, *op. cit.* II, p. 186; Purchas XVI, pp. 358 *et seq.;* A Relation of a Voyage to Guiana (London, 1613), in Harl. Misc. VI, pp. 449 *et seq.*

[5] *Ibid.*

[6] Grant Book, Domestic Jac. I, 126, Aug. 28, 1613; Cal. Col. 1574–1660, p. 15; Cal. Dom. 1611–1618, p. 198; Harl. Misc. VI, pp. 449 *et seq.*

[7] John Smith, *op. cit.* II, p. 186.

In the meanwhile, the imprisoned Elizabethan, Sir Walter Raleigh, was nursing his dream of acquiring for England a mighty empire, such as Cortes and Pizarro had added to the Spanish realm. His attention was fixed on the region to the northwest of Harcourt's rudimentary colony, — on the legendary El Dorado situated somewhat above the delta of the Orinoco. In 1616, when the anti-Spanish party was momentarily predominant, Raleigh was released from his long confinement in the Tower, and was allowed to prepare an expedition to Guiana. A charter was granted,[1] but it was distinctly understood that the English government would not countenance any aggressive actions against the Spaniards. The scheme was essentially a colonizing one, although in the immediate future it implied only a colony whose nucleus was a gold mine.[2] It miscarried completely, and in 1618 Raleigh was executed for attacking the Spanish settlement. This disastrous outcome did not, however, put a stop to further attempts to colonize that region. In 1619, Captain Roger North, who had been on Raleigh's ill-fated expedition, being ignorant of Harcourt's prior interest, secured a patent for the Amazon River territory.[3] An expedition was prepared, but the Spanish ambassador protested that the land in question was in the actual pos-

[1] Rymer XVI, pp. 789, 790.

[2] Gardiner, *op. cit.* III, p. 133.

[3] Cal. Col. 1574–1660, p. 79. Many noblemen were interested in it. Cal. Dom. 1619–1623, p. 41. Roger North was a brother of the third Baron North. In 1619, the Earl of Rutland subscribed £200 "for a voiadg intended to the river of the Amasones." H.M.C. MSS. of Duke of Rutland (Belvoir Castle) IV, p. 516.

session of Spain, and secured a command from the King suspending the voyage until further orders had been issued. In spite of this, North put to sea; whereupon the Spanish ambassador, Gondomar, secured a proclamation ordering his return and apprehension.[1]

In the meanwhile the expedition reached its goal and was very successful. A small settlement was left on the Amazon River.[2] But in 1620, on his return to England, North was imprisoned and his charter was recalled.[3] The Englishmen in South America would not, however, abandon the enterprise, although they suffered considerably from the absence of well-recognized governmental authority.[4] North also kept up his interest, and availing himself of England's breach with Spain, he joined forces with Harcourt, and in 1627 secured another patent from the Crown.[5] This charter incorporated the Guiana Company,[6] which at the outset proceeded energetically to colonize the territory granted to it.[7] No durable results were, however, obtained.[8] Both the Dutch and Portuguese opposed these attempts, and in

[1] Cal. Col. 1574–1660, p. 23; Cal. Dom. 1619–1623, p. 145; Rymer XVII, pp. 215–216.

[2] John Smith, *op. cit.* II, p. 187.

[3] Cal. Col. 1574–1660, pp. 77, 78; Cal. Dom. 1619–1623, pp. 145, 147, 212, 300.

[4] John Smith, *op. cit.* II, pp. 187, 188.

[5] Cal. Col. 1574–1660, pp. 78, 79; Cal. Dom. 1625–1626, pp. 240, 302.

[6] Patent Rolls, 3 Car. I, 1627, Part 5, no. 6. Besides North and Harcourt, the list of patentees included the Duke of Buckingham, the Earl of Carlisle, as well as a number of others of similar rank.

[7] John Smith, *op. cit.* II, pp. 188, 189.

[8] *Cf.* H.M.C. XII, 2, p. 21.

1638 the complaint was made that the company was completely inactive.[1]

This extensive activity, both on the continents of North and South America, and in the West Indies, was predominantly the result of individual initiative and enterprise. These colonial undertakings were, however, not private, but public in character. Before engaging therein, the projectors sought permission from the government, which was usually granted in the form of letters patent. These colonial charters, issued in large numbers by the first two Stuarts, constitute to a large extent both the political and the economic framework of the early English Empire. The detailed provisions of these documents determine the underlying political and economic relations of the colony to the metropolis, and define the responsibilities and rights of both parties.

Those interested in such enterprises sought a charter for various reasons. It was the only method by which they could obtain a legal title to the soil as well as the authority to govern the settlers thereon. In addition, there were in existence a number of English laws, such as those prohibiting Englishmen from leaving the country,[2] and others forbidding the exportation of a number of commodities, which made it impossible to colonize America. Immunity from these laws was desired, and also special privileges in other respects. As a rule the charters for a specified period exempted the

[1] Cal. Col. 1574–1660, p. 270. *Cf. ibid.* p. 218, for some references to the activity of the company in 1635.

[2] For these regulations, see Rymer XVIII, pp. 1038–1042; Rushworth, Collections (ed. 1680) II, p. 298.

trade of the proposed colonies from the payment of the English customs duties; and furthermore, in a number of instances, the patentees were allowed to exclude all others, whether Englishmen or aliens, from commercial intercourse with the new settlement.[1] Finally, the consent of the government was necessary because it was assumed that the proposed colonies were to be under English jurisdiction.

From an abstract viewpoint, it is possible to conceive of the subjects of James I leaving their native soil and erecting independent autonomous communities in America.[2] From a practical standpoint this was, however, an inherent absurdity. According to English law, the subject could not forswear allegiance to his sovereign;[3] consequently the emigrants to America retained their status as Englishmen. Hence the English government was vitally interested in the movement, and its consent had to be asked before any colonizing expedition could be undertaken. Such sanction meant an assumption by the government of serious responsibilities, especially of the duty of defending the colony against foreign nations.

[1] In many instances, also, a charter was necessary because the enterprise was to be conducted on a corporate basis.

[2] In discussing colonization, Grotius said: "Nam sic quoque novus populus sui juris nascitur." He also quoted the following: "Ut omnino matrices urbes coloniis imperent, quasi naturae lege, id vero nos neque verum neque aequum arbitramur." Grotius, De Jure Belli et Pacis (ed. Whewell) II, p. 11.

[3] A. P. Morse, A Treatise on Citizenship (Boston, 1881), p. 121. The early American doctrine followed the English practice. J. B. Moore, American Diplomacy, ch. VII. On leaving England those intending to settle in the colonies had to take the oath of allegiance. Cal. Col. 1574–1660, pp. 68, 69, 84 *et passim*. *Cf.* Brown, Genesis I, p. 43.

In that age of acute and ill-regulated international rivalry, protection was a factor of immense importance. Spain still persisted in claiming an exclusive title to America, and was not averse to using violent means to drive off isolated intruders.[1] But the Spanish government recognized that an attack on a quasi-governmental enterprise, such as was the Virginia settlement, would probably mean war with England. It was only this prospect that prevented Spain from crushing Virginia in its incipiency, as ruthlessly and thoroughly as forty years before this she had destroyed the French Huguenot settlement in Florida.[2] The Spanish ambassador in England carefully watched the progress of the enterprise,[3] and opposed it at every step. Although at first James evaded the issue,[4] ultimately he assumed full

[1] In 1606, a vessel, which had been sent out by Gorges as a preparatory step to the colonization of North America, was seized by the Spaniards. Gorges, A Briefe Narration, pp. 16–19; Baxter, Gorges III, pp. 126–135, 139–148 *et seq.*

[2] In 1609, the Venetian ambassador in England wrote to the Doge and Senate, that those interested in the Virginia enterprise "are afraid that the Spanish will end by making the same slaughter of these as they did of the French in the same Indies; nor are they confident that, if the necessity arose, the King would show himself openly in their defence." Cal. State Papers, Venice, 1607–1610, p. 249, no. 466. On Sept. 22, 1612, Sir John Digby wrote from Madrid to Sir Dudley Carleton: "There is nothing so generally spoken of in this Court as their intent to remove our Plantation in Virginia, and for mine own part I am of belief that the Spaniards will serve us as they did the Frenchmen in Florida, unless we undertake the business much more thoroughly and roundly than hitherto we have done; but hereof they have had sufficient warning in England." Cal. Col. 1675–1676, p. 46, no. 64.

[3] Brown, Genesis I, pp. 89, 91 *et passim.*

[4] In 1607, the Venetian ambassador in England wrote that his Spanish colleague had complained more than once about Virginia, and that James "pleads

responsibility, and Spain recognized that an attack on Virginia would be tantamount to a declaration of war. At various times such a breach seemed imminent,[1] and as late as 1613 Sir John Digby wrote from Madrid to James I that "it will be requisite that those in Virginia live in a continual expectation of being assailed, for first or last the Spaniards will certainly attempt them, for thereof they make already public profession." [2] English colonization of the Bermudas likewise aroused the opposition of Spain, and in 1614 it was rumored that an armada was being prepared to drive the settlers off these islands.[3]

Spanish hostility was encountered also in other regions, in whose colonization Englishmen were interested. Spain naturally opposed most vigorously all attempts to found

that the undertaking is a private one, and that he cannot interfere." Cal. State Papers, Venice, 1607–1610, p. 237. Spain did not value Virginia for itself, as it contained no gold or silver, but feared that it might be used as a base for attacking the treasure fleet. *Ibid.* 1610–1613, p. 405. England maintained this cautious attitude for some time. Thus, in 1614, when the Virginia Company applied to Parliament for relief, it was urged that "were this enterprise undertaken by the house and king, it might prove the cause of a war." George Chalmers, Political Annals (London, 1780), pp. 34, 35.

[1] In 1612, it was said that "the rumour of a rupture between England and Spain over Virginia grows daily." Cal. State Papers, Venice, 1610–1613, p. 441. *Cf.* also *ibid.* nos. 647, 732, 734, 740, 758. In 1611, the English ambassador at Madrid wrote to Salisbury: "I can assure you out of my own knowledge that with those plantations they are here so much troubled, as they know nott how to behave themselves in the busyness." Brown, Genesis I, p. 472; Cal. Col. 1675–1676, p. 41. See also Cal. Dom. 1611–1618, pp. 126, 167.

[2] Cal. Col. 1675–1676, p. 48.

[3] H.M.C. Buccleuch MSS. at Montagu House, I, p. 155. *Cf. ibid.* p. 151 and Cal. Dom. 1611–1618, p. 203. See also John Digby's despatch of Sept. 4, 1613, in Brit. Mus. Stowe MSS. 174, folio 170.

settlements in South America. Her ambassador, Gondomar, was especially successful in frustrating the schemes of Sir Walter Raleigh and Roger North.[1] In these instances, Spanish hostility was based on valid grounds, as the Amazon River district and Guiana had already to some extent been settled by the Portuguese and the Spaniards.[2] Less legitimate was the hostility to the occupation of the uninhabited islands in the West Indies. The Providence Island Company's settlements were particularly obnoxious to the Spaniards. In 1634 and 1635, they surprised Association Island and attacked Providence Island.[3] The company and the Spaniards were continually waging war upon one another,[4] until ultimately, toward the middle of the century, the English were driven off the islands.[5]

On the continent of North America, the English came also in conflict with both the French and the Dutch.[6] In times

[1] Cal. Col. 1574–1660, p. 37 and *ante*, p. 14.

[2] Sir John Digby protested against North's expedition on the ground that it was to the prejudice of Spain. Cal. Dom. 1619–1623, pp. 125, 126.

[3] Cal. Col. 1574–1660, pp. 200, 216, 217. The matter was so serious that the Earl of Holland, on behalf of the company, asked the Crown for assistance. In this connection the Privy Council resolved to see how "far it stands with the treaty to suffer his Majestys ships to defend themselves, and to offend, if they be offended, being beyond the line." Cal. Dom. 1635, pp. 599, 600.

[4] In 1636 and 1637, the company ordered its agents to disable the Spaniards, and to seize their vessels and goods to the south of its islands. Cal. Col. 1574–1660, pp. 238, 244. *Cf.* p. 280.

[5] *Ibid.* pp. 244, 258; *Ibid.* 1661–1668, p. 264; Manchester MSS. p. 49, no. 424; Force I, no. 13, p. 5. See especially Pierre de Vaissière, Les Origines de la Colonisation et la formation de la Société française à Saint-Domingue, in *Revue des Questions Historiques*, New Series XXXV, pp. 476–478.

[6] This conflict arose out of overlapping claims to the soil. On June 14, 1623, the Virginia Council wrote to company: "We desire to know your pleas-

of peace in Europe there were frequent acts of hostility. In 1613 Captain Argall attacked the French settlements in Nova Scotia;[1] and a few years later a Virginia planter, engaged in a fishing voyage to New England, seized a French vessel which he had encountered.[2] On the other hand, in 1632, the French drove the Plymouth colonists away from their trading house on the Penobscot,[3] and somewhat later Massachusetts complained of encroachments on the part of the French and of their arming the Indians.[4] In Newfoundland likewise there was considerable friction between the English and French, especially in 1639, when Kirke endeavored to levy a tax on all foreigners engaged in the fishery.[5] At this time also, it was complained that the French were insulting the English in the West Indies, and were erecting colonies on islands granted to the Earl of Carlisle.[6]

ures since it is not mentioned at all in your instructions, having been doubted by diverse, and leave not granted by any late commissions, whether we shall make prize of such Dutch and French as we shall find to trade with the savages within our limits." Virginia Co. II, p. 487; London Co. II, p. 239.

[1] N. Y. Col. Doc. III, pp. 1, 2; Cal. Col. 1574–1660, p. 15; Brown, Genesis II, p. 664; Gorges, A Briefe Relation, p. 10; Alexander, An Encouragement to Colonies, p. 32. *Cf.* Cal. State Papers, Venice, 1613–1615, pp. 307, 328. See also H. P. Biggar, The Early Trading Companies of New France, pp. 91–93.

[2] London Co. II, p. 37.

[3] Hutchinson, Mass. I, pp. 48, 49.

[4] Cal. Col. 1574–1660, p. 239.

[5] Cal. Dom. 1639, p. 179; H.M.C. XII, 2, p. 234; Winthrop Papers III, pp. 119, 120.

[6] Cal. Col. 1574–1660, p. 295. The existence of both a French and an English colony on the island of St. Christopher led to considerable friction. This was somewhat mitigated by an agreement made in 1627 by the local authorities for a division of the island. John Smith, *op. cit.* II, p. 190; Brit. Mus. Egerton MSS. 2395, Washington transcripts, pp. 3 *et seq.*

There was also considerable rivalry and ill-will between the Dutch settlement in what is now New York and the English colonies. Even before the colony had been planted, when the Dutch were solely engaged in trading voyages to the Hudson River, the English government registered a complaint.[1] These objections continued for a long time,[2] and in 1632 England categorically refused to acknowledge the Dutch title to New Netherland.[3] Those Englishmen interested in colonizing North America, such as Gorges and the officials of the Virginia Company, protested vigorously against the Dutch colony.[4] In 1623, the Earl of Southampton, as head of this company, gave a commission to a ship to carry passengers to Virginia and to explore the Hudson River, with authority to expel any intruding foreigners.[5]

Virginia itself looked askance at the presence of the Dutch in New Netherland. In 1631, the Governor and Council of the colony complained that "the injurious Dutch doe come even to our doors." [6] When a few years thereafter the Dutch began to settle in Delaware Bay, this opposition was intensified and led to armed conflicts.[7]

[1] Cal. Col. 1574–1660, pp. 18, 26.

[2] *Ibid.* pp. 142–144; N. Y. Col. Doc. III, pp. 6–9, 16, 17.

[3] Cal. Col. 1574–1660, p. 154.

[4] *Ibid.* pp. 142–144; Virginia Co. I, p. 504; London Co. I, p. 134.

[5] "If we there find any strangers as Hollanders or other which is thought this year do adventure there, we are to give them fight, and spoil and sink them down into the sea, which to do we are well provided with a lusty ship." Manchester MSS. p. 45, no. 364.

[6] De La Warr MSS. H.M.C. IV, 1, pp. 290, 291. At this time also the English Commissioners for Virginia requested Charles I to remove the Dutch who had settled in the territories of Virginia. Va. Mag. VIII, pp. 36–39.

[7] De Vries, pp. 76, 77. In 1638, Jerome Hawley wrote to Secretary Winde-

Although there was considerable commercial intercourse between the Dutch and the English colonies in New England, there was also a great deal of friction.[1] Especially acute was the rivalry over the fur trade, for which New Netherland was most advantageously located, and upon which the early economic life of the colony rested.[2] The Dutch attempts to seize the Connecticut Valley were in this connection extremely antagonistic to the interests of New England.[3]

In time of war, this antagonism between the European colonizing powers naturally assumed an acuter phase. In 1629, the Spaniards took Nevis and St. Christopher.[4] In 1628, there was considerable fighting in Newfoundland between the French and English;[5] and shortly thereafter, Kirke captured both Port Royal and Quebec.[6]

bank that the Dutch should be removed and the Swedish enterprise stopped. N. Y. Col. Doc. III, p. 20.

[1] In 1632, Thomas Morton said that the Dutch were "but intruders upon his Majesties most hopefull Country of New England." Thomas Morton, New English Canaan (London, 1632), p. 68, in Force II, no. 5. See also John Mason's protest in 1632. N. Y. Col. Doc. III, pp. 16, 17.

[2] N. Y. Col. Doc. III, pp. 7–9, 34, 37, 107, 149, 150; Hazard I, 397; Thomas Morton, New English Canaan (London, 1632), p. 67, in Force II, no. 5.

[3] Bradford, pp. 311–313; Winthrop I, pp. 134, 135. On Dec. 12, 1633, Emanuel Downing wrote to Secretary Coke: "I understand of ill news from N.E. by lres and passengers come from thence, That the Dutch have intruded upon the principall and best river in N.E. w^ch^ runneth along the back of this plt." Coke MSS.

[4] Cal. Col. 1574–1660, pp. 102–105. Shortly before this the French seized some English vessels at the latter island. *Ibid.* p. 103.

[5] *Ibid.* p. 93.

[6] *Ibid.* pp. 102, 103; Slafter, Alexander, pp. 61–68.

In sanctioning the colonial enterprises, the English government assumed the duty of protecting them from these attacks of other European nations. In 1634, in connection with the steps taken by New England to check the Dutch advance in the Connecticut Valley, Emanuel Downing wrote to Secretary Coke: "The Dutch now will be confyned to theire boundes unles they meane to fight for more, & then I doubt not, his Ma^tie. wilbe as able and ready to maynteyne his Colonie as the Dutch theirs." [1] The first two Stuarts did not always fully support their adventurous subjects, but their general attitude was such that foreign nations realized that a direct attack upon one of the important and well-settled English colonies would mean war with England. It was only the recognition of this fact that prevented the destruction of the English settlements, and which tempered the animosity of international relations in America. Although in the seventeenth century the New World did not play so important a part in the diplomatic history of Europe as it did in the eighteenth, it was recognized as a distinct factor in maintaining the balance of power, and at various times the rivalry of the colonizing powers nearly led to formal war.[2] Consequently, in permitting its subjects to

[1] Coke MSS. Aug. 23, 1634.

[2] In 1634, the Dutch ambassador in London wrote to his government that Spain was inciting the English to pick a quarrel with the Dutch about New Netherland. N. Y. Col. Doc. I, p. 72. In 1637, it was proposed to create an English West India Company with a large capital and to colonize on an unprecedentedly extensive scale one of the larger islands or a part of South America. The scheme was partly designed to divert Spain from the European war, and thus to facilitate the recovery of the Palatinate for the Prince Elector. Cal. Col. 1574–1660, pp. 257, 292; H.M.C. XII, 2, p. 161; Cal.

settle America, the English government assumed onerous obligations, in return for which it naturally expected that some compensating advantages would accrue to the mother country.

As man was the agent, a movement so extensive in scope as was the expansion of England was necessarily complex in its nature, corresponding to the manifold intricacy of both individual and social psychology. For every historical development presents two distinct aspects from which it must be viewed — that of the man personally engaged therein, and that of the group supporting and superintending it. The movement under consideration must therefore be regarded both from the attitude of the individuals actually carrying on the work of settlement, and from the viewpoint of the organized body politic that encouraged and directed it. An analysis of the different sets of motives operating in these two distinct fields of action is essential to a full understanding of the early English colonial movement. The former gives an insight into the actual process of colonization; the latter explains the nature of the control exercised by the parent community and gives the clew that explains its colonial policy.

Therefore, in order to acquire a clear understanding of English colonial policy, it is above all essential to know why the state encouraged colonization, and what compensating advantages it expected to derive from American possessions in return for the responsibilities it assumed in sanctioning

Dom. 1636–1637, p. 557; *ibid.* 1637, pp. 252, 312, 456, 459; *ibid.* 1637–1638, p. 29.

the movement. To the extent that the colonization of America was an act of the English state, it was fundamentally an economic movement. But naturally it was not solely economic in nature, for no extensive development can be reduced to so simple a category. Yet in the case of all movements influenced by a number of motives, one is always the prime cause without which the others would have proven ineffective, and the movement, if conceived at all, would have been abortive. Such subsidiary motives were, however, potent contributing factors, leading to unanimity in the body politic, and hence to well-directed, unhampered efforts by the state, and so to successful action. Consequently, before entering upon an analysis of the underlying economic ideas, it will be advisable to examine some of these subsidiary motives.

It has been already pointed out that the bitter conflict with Spain directed the attention of the Elizabethan seamen to America. Their daring activity led to no permanent results at the time, but the antagonism to Spain persisted during the area of actual settlement, despite the fact that James I had concluded peace with that country. The Elizabethan tradition retained its popularity, and Spain continued to be the arch-enemy with whom war seemed more natural than did peaceful relations. At the time of Virginia's settlement, it was urged that the colony could furnish a place of retreat for English ships in the event of such a war.[1] Similarly, the London Company, in its ill-fated petition of 1624 to the House of Commons, said that one of the objects held in

[1] William Strachey, about 1612. Brown, Genesis II, p. 562.

view, when the colony was founded, was the "inestimable advantadge, that would be gayned to this state of England in case of Warr both for the easie assaultinge of the Spanyards West Indies, from those parts, and for the relievinge and succouringe of all Shipps and men of Warr that should goe on Reprysalls." [1] The idea of attacking the Spanish West Indies remained a very popular one,[2] and in 1637 it was even asserted that there was no other advantageous way to make war upon the king of Spain.[3] The realization of the fact that the colonization of America was an indirect attack on Spain, which would strengthen the cause of Protestantism, was unquestionably influential in gaining national support for an imperialistic policy, but at most it was only a minor factor in inducing the government of the first two Stuarts to support the movement.

Another conspicuous factor which brought to the support of the colonizing movement a large group of persons, to whom neither the anti-Spanish or national argument, nor the purely economic view, would have especially appealed, was the religious interest evoked by the prospective conversion of the savages to Christianity. Hakluyt,[4] Peckham [5] and Carleill,[6] all conspicuous figures in the work of expansion, laid stress on the probable extension of Christianity

[1] Virginia Co. II, p. 526; London Co. II, p. 265. In 1625, Attorney-General Heath stated that it was neither safe nor profitable for the Spanish and Dutch to be absolute lords of the West Indies. Cal. Col. 1574–1660, p. 73.

[2] *Cf.*, *e.g.*, Sir Charles Cornwallis, A Discourse of the most Illustrious Prince, *Henry*, late Prince of *Wales* (London, 1641). This was written in 1626. Harl. Misc. IV. p. 322.

[3] Cal. Col. 1574–1660, p. 257, no. 61.

[4] Hakluyt, Discourse, p. 7.

[5] Hakluyt VIII, pp. 97 *et seq.*

[6] *Ibid.* p. 143.

through the conversion of the Indians. At various times the Virginia Company and its supporters asserted that this was one of the chief aims of the enterprise.[1] This argument was even more frequently advanced by Puritan writers. The spread of the Gospel was stated by the Massachusetts Bay Company to be its chief purpose in founding the colony;[2] and one of its prominent supporters, Emanuel Downing, claimed that the majority of the settlers went "to transport the gospell to those heathen that never heard thereof."[3] It was asserted in a conspicuously able Puritan pamphlet, published in 1630, that "it hath beene manifested that the most eminent and desirable end of planting Colonies, is the propogation of Religion."[4] This writer went

[1] 1610, in Brown, Genesis I, p. 339; 1624, in Virginia Co. II, p. 525; and London Co. II, pp. 263, 264. The author of Nova Britannia, a famous pamphlet published in 1609 in support of the Virginia enterprise, claimed, on the one hand, that it would spread the kingdom of God, and on the other, that it would prove very advantageous to the nation. Force I, no. 6, pp. 6, 7. Captain John Smith also pointed out that "the gaining Provinces addeth to the Kings Crown: but the reducing Heathen people to civilitie and true Religion, bringeth honour to the King of Heaven." John Smith, *op. cit.* I, p. xxv. See also Smith's statement in Purchas XVIII, pp. 437, 438; and Virginias Verger, *ibid.* XIX, pp. 222, 230, 231, 237.

[2] On April 17, 1629, the Massachusetts Bay Company wrote to the Governor and Council in the colony that as "the ꝑpagating of the gosple is the thing (wee) doe ꝑfess aboue all to bee o^r ayme in settling this plantac̃on, wee haue bin carefull to make plentyfull ꝑvision of godly ministers." Col. Rec. of Mass. I, p. 386.

[3] Downing to Secretary Coke, Dec. 12, 1633: "This pt and that of Virginia went not forth upon the same reasons nor for the same end, those of Virginia went only for profitt . . . these went upon 2 other designes some to satisfie theire owne curiosity in poynt of conscience, others w^ch was more generall to transport the gospell." Coke MSS.

[4] The Planters Plea, in Force II, no. 3, ch. I, p. 12.

even farther, and used the argument that nowadays is frequently advanced to justify tropical colonization and is succinctly summed up in the phrase, "the white man's burden," to vindicate the Puritan colony's attitude toward the Indians. He claimed that "the greatest advantage must needes come unto the Natives themselves," whom we shall teach providence and industry.[1]

Though this religious motive figured very prominently in the writings of the day — the spread of Christianity is specifically mentioned as one of the objects in view in nearly all the colonial charters from that of Gilbert on — yet it cannot be considered as one of the determining causes of the movement. While superficially prominent, the idea was fundamentally subordinate. The individual who settled in America was primarily interested in gaining what was at best a precarious livelihood; the colonizing companies were mainly intent upon earning some return on their capital;[2] and the government was not, except possibly to a very minor degree, influenced by the prospective conversion of the aborigines. Yet this motive was unquestionably a contributing factor, not only in bringing to the support of the movement many to whom otherwise it would not have appealed, but also in giving that ethical basis to the work, without

[1] *Ibid.* ch. IV, p. 15.

[2] In his well-known sermon, preached before the London Company in 1610, Crashaw dwelt on the general apathy shown toward the enterprise, and attributed it to the absence of present profit. "Tell them," he said, "of getting XX. in the C. [20 per cent]. Oh how they bite at it, oh how it stirres them! But tell them of planting a Church, of converting 10,000 soules to God, they are senselesse as Stones: they stirre no more then if men spoke of toies and trifles." Brown, Genesis I, p. 360.

which it is impossible for the Anglo-Saxon to exert himself to the fullest degree.

There was also a strong political motive for the movement, for then, as well as now, increased area and population were considered as strengthening the state: directly, by adding to its power and resources; and indirectly, by enhancing its prestige and standing. Thus, in 1638, Sir Ferdinando Gorges wrote to Secretary Windebank urging the expediency of "supportinge forreigne plantac̃ons," on the ground that "nothinge adds more glorie and greatnesse to anie nation, then the enlargement of theire Territories the multiplyinge of their subjects." On more exhaustive analysis this motive will, however, appear to be chiefly economic in its nature.[1]

These motives — the desire to weaken Spain, to spread the Christian religion, to increase England's power and prestige through additional dominions — were all contributing factors conducive to well-directed action, but they were not the essentially causative influences back of English expansion. From the standpoint of the state, as opposed to that of the emigrating individual, the colonizing movement was essentially an economic one. In sanctioning the settlement of America, the English government assumed concrete and definite responsibilities, and expected that in return certain compensating advantages would accrue to the parent community. These advantages were chiefly

[1] Thus Gorges went on to say that additional territory and population would result in an "increase of Trade and Co̅merce; which alwaies bringes w$^{th}$ it encrease of shippinge and mariners; matters, this kingdome of all others hath most reason to be carefull of, in that our safetie doth much consiste therein." Baxter, Gorges III, pp. 287–291.

economic, and are to be considered under two categories. In the first place, the movement must be studied in its relation to social conditions in England, especially in connection with the current views about the size of its population. In the second place, it will be necessary to examine the prevailing economic theory of colonization.

## CHAPTER II

### EMIGRATION AND OVERPOPULATION

Although English colonization in the early seventeenth century was mainly directed toward regions with an indigenous population, it did not take the form of political domination and economic exploitation of subject peoples, but implied the transfer of a comparatively large number of Englishmen from the mother country to the dependent communities. The nature of the movement and the origins of English colonial policy cannot be understood without an analysis both of the conditions causing this dislocation of population and also of the attitude of the government thereto.

The subject is of no inconsiderable importance, for this is one of the factors that determine the policy of the metropolis toward the colony. If a state needs additional territory because of its increasing numbers, a status of economic inferiority for the colony is of doubtful expediency and of questionable justice. Since if, in any case, there is to be emigration, the mother country derives a distinct benefit from territorial expansion in not losing the allegiance of her departing subjects.[1] But if, on the other hand, the state has no

[1] Even at this time, Sir Ferdinando Gorges pointed out that one advantage derived from New England, despite its independent spirit, was that otherwise those emigrating there might have settled in foreign states to the prejudice of England's manufacturing interests. Gorges, A Briefe Narration (London, 1658), p. 63. Maine Hist. Soc. Coll. Series I, vol. II.

surplus population and is called upon to protect the dependency, then the mother country must in her own interest seek some means of deriving from the colony compensating advantages, such as exclusive privileges in trade. Otherwise the parent state would be in a stronger position without the burdensome responsibilities arising from the possession of dependencies.[1]

The former condition prevails in the modern British Empire, and has existed ever since the industrial revolution transformed the social structure of Great Britain and made it a predominantly manufacturing community. A rapidly expanding population confined within a limited area has overflowed into the colonies and into foreign countries. Hence it has been in the direct interest of Great Britain to favor colonization, as otherwise the emigrants would lose their nationality and would thus negatively or relatively, if not positively or actually, weaken the mother country. It has been patent that, if those emigrating did not leave the limits of the Empire, the strength of Great Britain would be less impaired than if they gave up their allegiance and aided in building up the life of a foreign and rival political aggregate. Consequently, under such conditions, the commercial relations of colony and metropolis have been left unrestricted, because in return for protection the dependency performs a distinct service. This service is passive and implies no sacrifice, while that of the mother country is active and necessitates the assumption of many onerous burdens by the British taxpayer.

[1] *Cf.* Fortrey, England's Interest and Improvement (Cambridge, 1663), p. 39.

Prior to the completion of the industrial revolution, diametrically opposite conditions prevailed. During the two centuries reaching back from that time to about the Restoration in 1660, England had no surplus population. During this long period, emigration from England to America, although it was of slight dimensions, was viewed with great alarm. The prolonged duel with France emphasized the comparative smallness of England's population, even adding thereto that of Scotland and of Ireland. Thus in 1670, a well-known economic and political writer, Roger Coke, said that "Ireland and our Plantations, do in proportion to England more exhaust it of men, than the West-Indies do Spain"; and that, while Spain gained new subjects in her colonies, "we in our Plantations wholly people them from our selves." Coke maintained that England's existing military inferiority to France was due to this emigration, and he pointed out that before the era of colonization England had usually been successful in her wars against France and Scotland.[1] Finally, he said that "Ireland and our Plantations Rob us of all the growing Youth and Industry of the Nation, whereby it becomes week and feeble, and the Strength, as well as Trade, becomes decayed and diminished."[2] So general was this view that, in 1689, the representatives of Barbados, then the richest of English colonies, felt called upon to answer the current accusation that America was weakening England. They pointed out that the population of any country depends upon its economic produc-

[1] Roger Coke, A Discourse of Trade (London, 1670), pp. 12, 13.
[2] *Ibid.* p. 46.

tivity, and said, "'tis strange we should be thought to diminish the People of England, when we do so much increase the Employments" on which the size of its population depends.[1] However valid this argument may be, at the time it was not convincing. From about 1660 on, in so far as they decreased the population of the mother country, colonies were looked upon as sources of weakness. Consequently, if England assumed the heavy responsibilities incidental to the establishment of a colonial empire, counterbalancing advantages had to be derived in some other way. This fact accounts to a great extent for the old colonial system, whose aim was to develop English industry and trade by creating a self-sufficient commercial empire in which the colonies were to supplement the economic activities of the mother country.

In the first half of the seventeenth century, when was laid the basis of the British Empire, and when were somewhat tentatively inaugurated those principles regulating colonial trade that later crystallized in the colonial system, the attitude toward emigration was similar to that of modern England. There prevailed in general the impression that England was too densely populated,[2] and that additional

[1] The Groans of the Plantations (London, 1689), pp. 29 *et seq.* In 1663, one of the prominent early English economic writers even advocated the encouragement of immigration into England, because "people and plenty are commonly the begetters the one of the other." Samuel Fortrey, England's Interest and Improvement (Cambridge, 1663), pp. 4–13. About a decade later, Lord Shaftesbury also advised Charles II to encourage immigration and to "Stopp the draine, that carry's away the Natiues from us." Shaftesbury Papers (Public Record Office) X, no. 8.

[2] In 1596, it was asserted that England was so overpopulated, "that if some

territory was necessary to support her surplus numbers. Thus Malynes,[1] one of the few economic writers of the day whose name is deservedly not quite forgotten, treated colonization and population as integrally related topics, favoring the former as a remedy for the existing excess in the latter. Anticipating Malthus, he pointed out that "unless the three great Impostumes of the World, namely Wars, Famine, and Pestilence, do purge that great Body, all Kingdoms and Countreys become very populous, and Men can hardly live in quiet, or without danger." Though Malynes greatly overestimated the actual population of England, his view as to its superabundance was the general one. Even his inveterate antagonist, Misselden, agreed with him. "If the people of this Kingdome were numbered from *Dan* to *Bersheba*, I am perswaded," Misselden wrote, "there were neuer more people, neuer lesse employment: neuer more Idlenes, neuer so much Excesse." [2] This writer drew a dark picture of England's industrial condition, claiming that the imports exceeded the exports, and he asserted that "the *Poore* sterue in the streets for want of labour." [3]

Naturally, those interested in the colonial movement and

speedie order be not taken for the removinge of the surplusage, or at least of the basest and poorest sorte of them, into some forraigne place of habitation the Realme cannot possiblie longe maintaine them." Sir Henry Knyvett, The Defence of the Realm (Clarendon Press, 1906), p. 11.

[1] Gerard de Malynes, Consuetudo, vel Lex Mercatoria, or the Ancient Law Merchant (3d ed., London, 1686), pp. 164–169. The first edition was published in 1622.

[2] Misselden, Circle of Commerce or The Ballance of Trade (London, 1623), p. 133.

[3] *Ibid.* p. 132.

desirous of seeing it succeed, freely used the argument that colonization would remedy both the congested state of England and also the economic and social evils resulting therefrom. Thus, in 1576, in the course of his discourse on the northwest passage to the East, Sir Humphrey Gilbert said: "Also we might inhabite some part of those countryes, and settle there such needy people of our countrey, which now trouble the commonwealth, and through want here at home are inforced to commit outragious offences, whereby they are dayly consumed with the gallowes." [1] According to him, one of the chief benefits arising from colonization would be the greater employment of the poor in England. Similarly Sir George Peckham, who was closely associated with Gilbert in the work of exploration, favored colonization as a means of increasing English trade and of thus giving greater employment to the poor at home, who "doe now live here idlely to the common annoy of the whole state." [2] Another of the pioneers in the colonial movement, Christopher Carleill, the son-in-law of Sir Francis Walsingham, advanced the same views. In 1583, he asserted that on account of the long period of peace, England's population had greatly increased, and that such a colony would be a boon to "our poore sort of people, which are very many amongst us, living altogether unprofitable, and often times to the great disquiet of the better sort." [3] The following year, Richard Hakluyt, the enthusiastic supporter of maritime enterprise, pointed out that there were many un-

[1] Hakluyt VII, p. 286.
[2] *Ibid.* VIII, pp. 111, 112.
[3] *Ibid.* VIII, p. 143.

employed and many vagabonds in England, and that as a consequence of the absence of wars and plagues, "wee are growen more populous than ever heretofore," from which, he added, resulted severe competition for a livelihood, as well as crime and idleness. If the colonization of America were undertaken, Hakluyt said, "these pety theves mighte be condempned for certen yeres in the western partes," where they could produce useful commodities.[1] Finally, Sir Ferdinando Gorges, who, though of the next generation, ranks with Gilbert, Peckham, Carleill, and Hakluyt, as one of the leaders in the work of expansion, wrote to Salisbury in 1611 about the activity of the English pirates in the Channel, pointing out that "this peaceable tymes affords no meanies of ymployments, to the Multitude of people that daylie doe increase, and manie ar inforced (by necessitie) to seeke some wayes, to sustaine themselves," and consequently have turned to piracy. "To meete w$^{th}$ these necessities," he pointed out, "the Ages past hath employed great cost in the planting of Colonies in barbarous and uninhabited ptes of the world to the great honor of these Prynces."[2]

Such views were frequently expressed after the work of colonization had actually commenced, and were conspicuously used in gaining support for the Virginia enterprise.[3] With this object in view, there was published in 1609 an

[1] Hakluyt, Discourse, pp. 36, 37.

[2] Baxter, Gorges III, pp. 171–173.

[3] See, *e.g.*, Richard Crakanthorpe's sermon of 1609, in Brown, Genesis I, p. 256. He speaks of "the great and manifold benefits which may accrue to this our so populous a nation, by planting an English colony in a territory as large and spacious almost as is England."

able pamphlet entitled *Nova Britannia*. The author thereof pointed out that two things were necessary for the success of the colony — money and people. As regards the latter, he had no misgivings, as England had "swarmes of idle persons, which hauing no meanes of labour to relieue their misery, doe likewise swarme in lewd and naughtie practises." England, he argued, had a superabundant population and, like the Goths and Vandals, should encourage emigration; "so that you see it is no new thing, but most profitable for our State, to rid our multitudes of such as lie at home, pestering the land with pestilence and penury, and infecting one another with vice and villanie worse than the plague it selfe." [1] In another pamphlet published in the same year,[2] the colonization of Virginia was urged because "there is nothing more dangerous for the estate of Commonwealths, than when the people do increase to a greater multitude and number than may justly paralell with the largenesse of the place and Countrey: for hereupon comes oppression, and diverse kindes of wrongs, mutinies, sedition, commotion and rebellion, scarcitie, dearth, povertie, and sundrie sorts of calamities, which either breed the conversion, or eversion, of cities and commonwealths." [3]

[1] Nova Britannia, p. 19. Force Tracts I, no. 6.

[2] Robert Gray, A Good Speed to Virginia (London, 1609), p. 10. Brown, Genesis I, p. 298.

[3] In 1609, there was also published a sermon on Virginia, in which the author, William Symonds, said: "Look seriously into the land [England], and see whether there bee not just cause if not a necessity, to seek abroad. The People blessed be God, doe swarme in the land, as young bees in a hive in June; insomuch that there is very hardly roome for one man to live by another. The mightier like old strong bees thrust the weeker, as younger, out of their hives."

The company that undertook the settlement of Virginia also insisted, officially and unofficially, on the benefits that would in this manner accrue to England. In 1610 it was said, with the sanction of the officers of the company, that one of its purposes was "transporting the rancknesse and multitude of increase in our people; of which there is left no vent, but age; and evident danger that the number and infinitenesse of them, will out-grow the matter, whereon to worke for their life and sustentation, and shall one infest and become a burthen to another." [1] Similarly, in a pamphlet[2] published in 1612 by the authority of the royal council of Virginia, it was asked: "What man is so simple that doth not see the necessitie of employment for our multitude of people, which though they be our flourishing fruits of peace and health, yet be they no longer good and holesome in themselves." The author of the pamphlet argued at length that England had a surplus population, and that it was impossible in so great a body of people, "which yeerely doe increase amongst us," to prevent poverty, corruption and disease; consequently he concluded that colonization was advisable. Similarly, in its petition of 1624

As a remedy, he urged, "the younger bees, to swarme and hive themselves elsewhere." Symonds, Virginia (London, 1609), pp. 19, 20. Brown, Genesis I, p. 288. William Strachey, in his pamphlet on Virginia, written probably in 1612, said that the colony was "a fruictfull and pleasant country to seat and settle the swarmes of our ranck multitude, who tast in this our owne clyme nothing but of Idlenes, Prophannes, and want." Brown, Genesis I, p. 340.

[1] "A True and Sincere Declaration of the Purposes and Ends of the Plantation begun in Virginia." Brown, Genesis I, p. 338.

[2] The New Life of Virginia: Being the Second part of Nova Britannia, pp. 21–23. Force I, no. 7.

to the House of Commons, the London Company stated that one of the advantages arising from Virginia would be "the removal of the surcharge of necessitous people." [1]

The same arguments were used in connection with the settlement of New England. A pamphlet of 1630 in support of the Massachusetts enterprise, called attention to the fertility of its soil, and remarked that it was a great pity that this land should remain "altogether unoccupied, when so many honest Men and their Families in old England through the populousnesse thereof, do make very hard shift to liue one by the other." [2] In another and similar pamphlet published at the same time,[3] it was demonstrated, to the satisfaction of the author, that England was overpopulated because of the mass of unemployed, the crowded state of all vocations and the number of people engaged in making superfluous luxuries. Hence the colonization of America was favored, and it was argued that England's ability and fitness for this work "will evidently appeare by the consideration of our overflowing multitudes: this being admitted for a received principle, that Countreyes superabound in people when they have more then they can well nourish, or well employ." [4]

[1] Virginia Co. II, pp. 526–528; London Co. II, p. 264. See also Virginias Verger, 1625, in Purchas XIX, p. 242.

[2] New Englands Plantation (London, 1630), p. 12. Force I, no. 12.

[3] The Planters Plea (London, 1630), ch. I, p. 9. Force II, no. 3.

[4] Similarly in 1641, it was said that "when a Kingdom beginneth to be over-burthened with a multitude of people (as *England* and *Scotland* now do), to have a convenient place where to send forth Colonies is no small benefit: and Such are the North-east and North-west parts of America." A Petition

From this review of contemporary thought, it is apparent that the general opinion was that England was overpopulated,[1] and that colonization would afford relief to this congested condition by removing the poor and unemployed from England.[2] At the outset it was the intention of some

of W. C. exhibited to the High Court of Parliament (London, 1641), p. 6. Force I, no. 13. William Vaughan used the same argument in favor of the colonization of Newfoundland. Vaughan, The Golden Fleece (London, 1626) III, pp. 12, 13.

[1] Toward the end of James I's reign, it was pointed out that the English towns were overcrowded, and hence needed a "vent for their people into Virginia," even if they should have to defray the cost of transporting the people. H.M.C. MSS. of Lord Montagu of Beaulieu, p. 109.

[2] In 1623, it was proposed to found a royal colony in America, by means of which England might annually rid herself of 3000 poor, and "the prisons may be emptied, and much blood saved as well as relief given to many by sending them thither." Cal. Col. 1574–1660, pp. 50, 54, 56; Cal. Dom. 1623–1625, p. 521. At this time also, Secretary Conway suggested that England join with the Dutch in a West Indian voyage, and that some enterprise be undertaken to draw off idle people from England. Cal. Dom. 1623–1625, p. 143. The same arguments were used to support Scottish colonization. Thus in Sir William Alexander's patent for New Scotland, dated Sept. 10, 1621, James Stuart, as King of Scotland, said, "we thinking how populous and crowded this land now is by Divine favor" have judged it important that many should be settled on new territory. Slafter, Alexander, p. 128. Alexander himself said that Scotsmen were well qualified for the work of colonization, having daring minds and strong bodies; and besides, "Scotland by reason of her populousnesse being constrained to disburden her selfe (like the painfull Bees) did euery yeare send forth swarmes," to fight in foreign wars. Alexander, An Encouragement to Colonies (London, 1624), p. 38. William Vaughan reported Alexander as having said: "In such abundance doth my natiue Countrie of *Scotland* ouerswarme with people, that if new habitations bee not suddenly prouided for them, as Hiues for Bees, they must either miscarie of want, or Turne Droanes vnprofitable to the *Owner*"; we have too many laborers in Scotland who "would willingly manure this maiden Soile . . . but the charge of transporting them with such implements and domesticall cattell, as must be had

to establish mere trading stations in America, but the later and more general aim was to found new communities.[1] The government directed and supported the movement on this basis, and one of the advantages expected therefrom was relief from an excessive population. Thus, in 1614, the Spanish ambassador in England wrote to Philip III that he had heard that the London Company had asked for permission to withdraw the settlers from Virginia, as the enterprise had turned out so expensive, but that this request had been denied, it being suggested that "it was well to preserve that place, altho' it be good for nothing more than to kill people and to afford an outlet to them from here; since in this Kingdom here they grow and multiply so as to be innumerable." [2]

now at the first, cannot but grow to an excessive cost." William Vaughan, The Golden Fleece (London, 1626) I, pp. 3–6. The same argument was also used toward the end of the century in connection with the Darien enterprise. In 1700, it was said: "We have a Foreign Plantation, which may not only to our Profit, take off the Native Product of our Country, but may be for Receiving, and competently Intertaining a great many People which may be spared therefrom." A Letter from One in the Country, to a Member of Parliament (1700).

[1] In R. Rich, Newes from Virginia, published in London in 1610, we read:

"Let England knowe our willingnesse,
For that our worke is good,
Wee hope to plant a nation,
Where none before hath stood."

Brown, Genesis I, p. 420.

[2] Brown, Genesis II, p. 681. The measures adopted in 1634, forbidding all emigration to America unless license had first been obtained, were not due to opposition to this movement, but to a desire to control the Puritan exodus to Massachusetts, which it was feared would become a centre of religious and political dissension. On these regulations, see Cal. Col. 1574–1660, p. 261;

This entire subject of the relation between social conditions in seventeenth-century England and the colonial movement must, however, be regarded also from another viewpoint. While on the one hand it is evident that expansion was favored as a means of alleviating the congested state of England, on the other the question arises, whether or not the actual displacement of population was due to existing economic distress. Did the current contemporary opinion correspond with actual conditions, and was the founding of new communities in America the result of overpopulation and of economic pressure in the mother country? From an examination of the conditions that prevailed in England, it would appear that the existing population did not exceed the country's productive capacity. It is generally recognized that, from the latter half of Elizabeth's reign until the outbreak of the Civil War, England was in a flourishing condition. In fact this very prosperity implied economic distress among some classes. As civilization advances, it becomes more complex, and economic progress, while denoting an absolute increase in wealth, has hitherto implied a more uneven distribution thereof and greater extremes of riches and poverty. Such a period of progress, almost tantamount to an economic revolution, dates from the latter years of Elizabeth's reign. Wealth increased greatly, but at the same time pauperism became a permanent

Rymer XIX, pp. 699–703; XX, p. 143; Winthrop Papers I, p. 43; III, pp. 481, 482; Council Register XIV, pp. 336, 401; XV, pp. 79, 86; XVI, p. 22; Rushworth, Collections (ed. 1680) II, p. 718; Va. Mag. XIII, pp. 378, 379; Baxter, Gorges III, p. 265; H.M.C. IV, 1, pp. 57, 62; Lords Journals IV, pp. 166$^{b}$, 187$^{b}$, 188$^{a}$.

evil. This comparatively new phenomenon was little understood. The law of development from incoherent homogeneity to coherent heterogeneity had not yet been enunciated. For virtually the first time Englishmen beheld as an every-day sight "the spectacle of Dives and Lazarus existing side by side." [1] Hence the conclusion was reached that England was too densely populated to support its inhabitants, and that colonization would afford a palliative, if not a remedy. Thus, in ultimate analysis, colonization was favored as a cure for pauperism. It was desired to transport the indigent and dependent from crowded centres, especially from London, thus freeing the parishes from the burden of their support. In this respect, however, the movement was a distinct failure.

The emigration from Europe to America in the nineteenth century was mainly economic in nature, being predominantly due to the increasing severity of the struggle for existence. The movement of the seventeenth century was radically different. The bulk of the people who settled in New England left the mother country for religious and political reasons. They objected both to the practices of the Anglican church under the direction of Laud, and to Charles I's theory of the kingship and his attempt to rule independently of Parliament.[2] As far as the other colonies were concerned, the motives leading to emigration were in

[1] H. de B. Gibbins, Industry in England (New York, 1903), pp. 260, 261. The increase in pauperism was emphasized by the fact that the Reformation had removed the ecclesiastical organization which, in the middle ages, was accustomed to care for the poor.

[2] See, *e.g.*, Cal. Dom. 1637–1638, p. 88; *ibid.* 1638–1639, pp. 64, 430, 431.

general more material. Many left their homes as a result of an adventurous spirit, and many also sailed to America in order to acquire riches quickly. But this does not to any extent whatsoever imply that they left because of economic pressure at home. Both on account of its dangers and its immeasurable possibilities, America appealed strongly to those who disliked a humdrum life of quiet and ease. The views of many Englishmen were voiced by the contemporary dramatist who asked in connection with such an adventurer: "Who would not sell away competent certenties to purchase (with any danger) excellent uncertenties." [1] Under the prevailing conditions, only the most courageous and daring emigrated of their own accord to such colonies as the West Indies and Virginia.

Apart from the emigration to New England, and that to the West Indies and Virginia during the disturbances of the Civil War,[2] the movement was not only of small extent, but was predominantly non-spontaneous in character. Great difficulty was encountered in getting settlers for Virginia.[3]

[1] Eastward Hoe (1605), act II, scene I.

The commercial and colonial movements were integrally and inseparably connected. Ordinary commerce was beneath the dignity of the upper classes in England, but armed commerce in the East or in the West, with the hazard of capture by a foreign foe, and the more or less speculative prospects of immense profits, appealed to the imagination and adventurous spirit of English gentlemen and called forth their enthusiastic support. As was said in 1615: "Nor is England, bounded by our Horizon, to go no further than we see. We have learned, long since, that *Mercatura si tenuis sordida, si magna splendida;* The stranger the Country, the greater the Adventure." The Trade's Increase. Harl. Misc. IV, p. 207.

[2] Clarendon, History of the Rebellion (ed. Macray) V, pp. 262, 263.

[3] *Cf.* Commons Journal I, p. 488. In 1618, a pretended commission to

In 1621, Sir Edwin Sandys frankly told the House of Commons that at first they could get none to go to that colony.[1] In the same year it was pointed out by a competent authority how unwilling people were to settle in this colony and in the Bermudas.[2] Even in the case of Massachusetts, although it was to be the refuge of those who disagreed with the dominant religious and political party in England, somewhat similar conditions obtained. In 1632, Sir Richard Saltonstall found it strange that "the meaner soart of people" should be so backward in emigrating, and that "the better soart of people should not helpe y^e^ poorer with meanes to transport them." [3]

This difficulty led to various schemes of assisted emigration. The city of London, where the evil of pauperism was most accentuated,[4] spent considerable money in settling some of its dependent children in Virginia.[5] At various times contracts were concluded with the Virginia Company

press maidens for the Bermudas and Virginia frightened away forty girls from one parish, who fled to such obscure places that their parents could not find them. Cal. Dom. 1611–1618, p. 586. *Cf. ibid.* p. 594, and Va. Mag. VI, pp. 229, 230.

[1] Commons Journal I, p. 579.

[2] Brown, First Republic, pp. 398–400.

[3] Saltonstall to Emanuel Downing, Feb. 4, 1632. Coke MSS.

[4] Misselden, Circle of Commerce (London, 1623), p. 137, speaks of the large number of poor in London and their increase through indiscriminate charity.

[5] There is extant a letter from the council and company of Virginia to the city of London which states that the Privy Council being "desirous to ease the city and suburbs of a swarme of unnecessary inmates, as a contynual cause of dearth and famine, and the very originall cause of all the Plagues that happen in this Kingdom," has advised you to contribute to their emigration to Virginia. Brown, Genesis I, p. 252.

for the transportation of such children to the colony, the city paying part of the expense and the company the balance.[1] But some difficulty was encountered, as the worst disposed, of whom especially the city wished to rid itself, refused to go,[2] thus forcing the company, on one occasion at least, to apply for a warrant from the Privy Council to enforce its agreement.[3] In addition to paying the expenses of those emigrating to America, other expedients were adopted to overcome the difficulties encountered in obtaining settlers for the new communities. Thus, in 1632, seventy vagrants were bound as apprentices for service in Virginia and Barbados.[4] Similarly, delinquents and criminals were reprieved on the condition that they should go to America, and at not infrequent intervals men of this type were transported to the colonies.[5]

Apart from the inertia prevailing in the lower classes, there were additional factors that made it absolutely impossible for the poorest classes in England — those most

[1] London Co. I, pp. 24, 36, 70, 91; Virginia Co. I, pp. 270, 271, 293, 300, 304–307, 355, 411, 412; Cal. Dom. 1611–1618, p. 584.

[2] Cal. Dom. 1619–1623, p. 118.

[3] *Ibid.*

[4] *Ibid.* 1631–1633, p. 433.

[5] Virginia Co. I, pp. 212, 259, 288, 290; II, p. 102; London Co. I, pp. 33, 34; Cal. Dom. 1619–1623, pp. 10, 552; *ibid.* 1635, pp. 262, 535; *ibid.* 1635–1636, p. 437; *ibid.* 1638–1639, p. 425; *ibid.* 1639–1640, pp. 183, 349. See also Chalmers MSS., Virginia Papers, vol. I, *passim* (Lenox Library). In 1641, Robinson stated that "people of good report and rank" could not be prevailed upon to be the first inhabitants of new discoveries, and suggested that beggars, and those convicted of offences, for which the death penalty was too severe, should be transported to the colonies. Henry Robinson, Englands Safety in Trades Encrease (London, 1641), p. 13.

adversely affected by the change in social conditions — to emigrate freely. The present westward movement from Europe is taking place under radically different conditions from those that prevailed in the seventeenth century. Nowadays the cost of passage is insignificant, and there is the virtual certainty of finding, immediately on arriving in America, the means of gaining an adequate livelihood. The poorest classes can thus readily change their environment. At the outset of the colonial movement, not only was the cost of transportation very high, but furthermore considerable time was required before a living could be secured from America's virgin soil. Hence the settlement of an individual in the colonies implied the expenditure of a considerable sum of money. The mere passage to America involved the outlay of a large amount: as a rule, £6.[1] But in addition, the emigrant had to be equipped with tools, clothing, and provisions, which necessitated the expenditure of a much greater sum: about £14 more for each settler.[2] Toward the end of James I's reign, the adherents of the London Company said that "the charge of transporting a personne to Virginia can not be lesse at this day than Twenty

[1] In 1619, the cost of passage to the Bermudas was £5, to Virginia, £6. Manchester MSS. H.M.C. VIII, 2, p. 33, no. 243; London Co. I, p. 23; Virginia Co. I, pp. 275, 295, 455. In 1632, transportation to Providence Island cost £6, and in 1639 the same amount was charged for passage to Maryland. Cal. Col. 1574–1660, p. 140; Calvert Papers I, p. 206. Toward the middle of the century, under the Commonwealth, the cost of passage to Virginia also was £6. Force IV, no. 10, p. 4; no. 14, p. 16.

[2] About 1623 it was estimated that the cost of transporting and of furnishing six settlers in Virginia with victuals, apparel, tools, arms was £114 19*s.* 6*d* Cal. Col. 1574–1660, p. 56.

poundes, which being a thing soe well known must needs disharten all future planters from goinge." [1]

From the standpoint of the day this was a considerable sum; obviously a person possessing it was by no means in economic distress, and hence, if emigrating, would be actuated by other influences.[2] As a consequence also the poorer classes could not emigrate without assistance.[3] This led to the system of indentured labor, the emigrant giving his services to a master for a longer or shorter term, usually for five years, in return for the cost of transportation.[4] But the semi-servile conditions prevailing under this system were

[1] Col. Pap. III, 32. For further details regarding the requirements of a colonist, see Purchas XIX, pp. 165–167, and John Josselyn, Account of Two Voyages to New England, 1638, 1663 (London, 1675), in Mass. Hist. Soc. Coll. Series III, vol. II, pp. 220–225. Under the Protectorate the cost of settling one hundred men in Jamaica was estimated at £1625. Brit. Mus. Egerton MSS. 2395, folio 164.

[2] In its efforts to secure settlers for Virginia, the London Company in 1620 offered to settle children in the colony on payment of £5 a head. At the meeting of the company held on Nov. 15, 1620, Mr. Smith pointed out "that the sume of five pound demaunded w$^{th}$ everie Childe that should be sent out of the Country to be transported to Virginia was a greater charge then would willingly be disbursed by the Common sorte, seeinge they might w$^{th}$ a lesse charge as ordinaryly for five Marks binde their Children Apprentizes att home to good Trades and therefore itt was vnlikely they would be drawne to give a greater sume to send them to a forraigne Country he therefore moved that the 5$^{li}$ specified in the Publicacon might be abated to ffive Marks." Virginia Co. I, p. 424; London Co. I, p. 96. *Cf.* also Virginia Co. I, pp. 479, 480, 489, 556.

[3] In order to be able to emigrate on its own resources, a family had to be in fairly comfortable circumstances. In 1621, an apothecary offered to transport himself and his wife to Virginia at his own charge, provided the company would pay the cost of carrying over his two children. London Co. I, pp. 131, 132; Virginia Co. I, p. 495.

[4] Bruce, Economic History of Virginia II, pp. 4, 5.

naturally not attractive, and to a great extent counteracted any stimulus toward emigration arising from economic distress. Other circumstances worked in the same direction. In addition to the risk of shipwreck, which was ever imminent in the case of the small vessels of the day, conditions during the passage were extremely rigorous. Overcrowding and poor food resulted in a large mortality.[1] Furthermore, on arrival in America, there had to be encountered the grave Indian danger, and the perils of a strange climate and unaccustomed food-stuffs, which an unhygienic age could not circumvent. Of the early settlers in Virginia a very large majority perished from disease or at the hands of the aborigines.[2]

Recapitulating these facts, it will become apparent that economic conditions in England had made pauperism a permanent phenomenon, and that this little understood social evil gave rise to the generally prevailing, but erroneous, idea that England was overpopulated. In turn, this opinion induced many to support the colonial movement, and was an influential factor in gaining the government's aid for the work of expansion. One of the distinct advantages expected from the colonies was relief from congestion and pauperism in the mother country, without at the same time diminishing the population of the realm as a whole. This view was naturally reflected in British colonial policy, and to some extent explains the comparatively unrestricted

[1] Manchester MSS. H.M.C. VIII, 2, p. 42, no. 338.

[2] *Ibid.* p. 42, no. 340. *Cf.* p. 38, no. 298; pp. 44, 45, no. 361. See also Bruce, Social Life of Virginia, pp. 16, 17.

commercial system that prevailed during the first half-century of the Empire's life. But while the impression that England was overpopulated gave a potent stimulus to the colonial movement, economic conditions in the mother country were to no marked degree a direct cause of the ensuing transfer of population to America. In general, England was prosperous, and though there was a certain amount of want, those affected by it could not, on account of the large capital required, spontaneously settle in America except under semi-servile conditions. In the main, the dislocation of population was produced, not by economic conditions, but by the political and religious conflicts of the age.

## CHAPTER III

### THE ECONOMIC THEORY OF COLONIZATION

In addition to those settling in America, many Englishmen, who had no intention of leaving their homes, were keenly interested in the colonial movement. This large and heterogeneous body stimulated public opinion and was influential in securing the support of the Crown, without which the work could not have been undertaken. Many of these men had invested extensively in colonial enterprises, but, apart from their own personal interests, they had certain definite ideas as to the advantages that would accrue to England from a policy of expansion. As has already been pointed out, a number of them favored colonization as a remedy for overpopulation and social distress; but far more emphasis was laid on colonization as a means of quickening English commerce and of freeing England from what, according to the prevailing economic theories, was a dangerous dependence on rival nations.

English economic thought was dominated by mercantilistic doctrines, which laid an undue stress on the possession of the precious metals.[1] Gold and silver were looked upon

[1] "Since Moneys haue obtained the title of the sinewes of war, and the life of Commerce: I hope that the accumulating thereof may properly be called *The Pracheminent study of Princes*, when the same is procured by

as something apart and distinct from other commodities, as the very incarnation of wealth.[1] According to the prevailing economic creed, a country's welfare could be accurately gauged by its balance of trade. A favorable balance meant the importation of metals and consequently prosperity; an adverse one implied economic regression.[2]

From this viewpoint there could obviously be no greater national advantage than the discovery of rich mineral deposits within the body politic. There was virtually no likelihood of such an event in England, but attention was directed to America in the expectation of finding there valuable mines, as Spain had already. At the outset, this hope was ever present, and the clause in all the charters reserving to the Crown a certain proportion of such metals discovered in the colonies was by no means merely a formal one.[3] Before actual settlement had proven the contrary, it was

Trade: which is the sole peaceable instrument to inrich Kingdomes and Common-weales." Malynes, The Center of the Circle of Commerce (London, 1623), preface, pp. A 2, 3.

[1] There was naturally some opposition to this crude, although popular, view. In 1625, it was asked: "Who gave Gold or Silver the Monopoly of wealth, or made them the Almighties favorites?" Virginias Verger, in Purchas XIX, p. 232. See also Lescarbot, in Purchas XVIII, p. 232.

[2] "If the Natiue Commodities exported doe waigh downe and excede in value the forraine Commodities imported; it is a rule that neuer faile's, that then the Kingdom growe's rich, and prosper's in estate and stocke: because the ouerplus thereof must needs come in, in treasure." Misselden, The Circle of Commerce (London, 1623), p. 117.

[3] In 1584, Hakluyt said that unquestionably gold, silver, copper, pearls, and precious stones had been found in America, and that such a share thereof as had been reserved to the Crown in Cabot's charter would amount to a considerable sum. Hakluyt, Discourse, p. 86. The portion reserved was usually one-fifth.

believed that the precious metals abounded in America; and it was even asserted that gold was more plentiful there than was copper in England.[1] The efforts of the early colonists in Virginia were directed with disastrous results toward finding such commodities,[2] and it took a number of years to convince them that this quest was futile. In 1609, Hakluyt still cherished the idea that Virginia would prove a treasure-house of gold, silver, and precious stones.[3] Others recognized from the beginning that these hopes were illusory,[4] and as the settlement of America progressed, this idea inevitably became ever less prominent, until ultimately it disappeared.

The discovery of mines was not the only means of increasing a country's stock of precious metals. The same end could be attained by the systematic regulation of foreign commerce, and with this object in view, the statesmen of the day sought to discourage the importation of foreign merchandise and to facilitate English exports. But the economic development and natural resources of England were such that it was absolutely impossible to refrain from importing a considerable quantity of foreign products.

[1] Brown, Genesis I, p. 29.

[2] *Ibid.* I, pp. 105, 106.

[3] See the "Epistle Dedicatorie" to *Virginia Richly Valued.* (By a Portugall gentleman of Eluas. London, 1609. Reprinted in Force IV, no. 1.) For similar opinions, see Brown, Genesis I, p. 268 and II, pp. 562 *et seq.*

[4] Already in 1583, Carleill expressed doubts as to the probability of obtaining these metals from America. Hakluyt VIII, p. 141. In his essay, "Of Plantations," Bacon called attention to the uncertainty of such hopes and to their demoralizing influence. Bacon, Works (ed. Spedding, Ellis, and Heath) XII, p. 196.

At the time in question, England's import trade consisted of four distinct branches. In the first place, there was the Baltic trade with Sweden, Russia, Poland, and Germany, whence came the naval stores necessary for her shipping and the potash used in England's basic industry, the woollen manufacture. From the standpoint of national security and of economic growth, this trade was all-important. A stoppage of these supplies, either through war or through their control by a rival, would prevent England from putting a fleet to sea, and would also retard the development of her merchant marine.

A second important branch of the English import trade was that with southern Europe, whence came in large quantities, wine, silk, salt, sugar, and dried fruits. Some of these commodities were essential, but others were in the nature of luxuries; and consequently this trade was deemed less important than that to the Far East, which supplied England with dyes, saltpetre, and with the spices that alone rendered the winter's stock of food palatable. These Eastern products had been controlled by Portugal, and subsequently by the Dutch, who sold them to England at enhanced prices.[1] Finally, although the English fishery was not an insignificant industry, a considerable proportion of the fish consumed was caught by foreigners and bought from them.

To the statesmen and economists of the day it was patent that it would be a distinct national advantage if England were not obliged to purchase these commodities from for-

[1] *Cf.* H.M.C. XII, 1, p. 154.

eigners. Those which were imported from the Continent and from Asia could not be produced on English soil, and the Dutch were so firmly intrenched in the fisheries in the waters adjacent to England that it was a difficult task to compete with them. A remedy, however, could be found in direct commercial intercourse with India, in the development of an English fishing industry in America, and in the production by English colonies of those commodities hitherto purchased from other European nations.

This desire to free England from the necessity of purchasing from foreigners formed the underlying basis of English commercial and colonial expansion; it led directly to the formation of the East India Company and to the colonization of America. Furthermore, the advisability of such a movement was emphasized by the existing precarious condition of English commerce. In his famous *Discourse concerning Western Planting*, written in 1584, Hakluyt described in detail this state of affairs. All intercourse with the Barbary states was vigorously opposed by the Spaniards, who habitually confiscated English vessels and subjected their crews to the Inquisition, "chardginge them that they bringe armour, munition, and forbidden merchandize to strengthen the infidells, against these partes of Christendome." [1] Naturally, direct commercial relations with Spain itself were extremely dangerous, on account of the war with that country and Philip II's inveterate opposition to Protestantism.[2] Moreover, the compara-

[1] Hakluyt, Discourse, p. 13.

[2] *Ibid.* p. 14. *Cf.* pp. 17, 18.

tively new Turkish trade was hazardous because of the Algerian pirates and the opposition of Venice.[1] The trade to France was declining owing to competition, to heavy taxes and to arbitrary government; while that with the Netherlands was injured by the prolonged struggle of the Dutch against Catholic Spain. The commerce with Germany and the Baltic countries was hampered by many factors. That with Germany was seriously hindered by the withdrawal of the favors which English merchants had hitherto enjoyed in that market, in retaliation for England's depriving the Hanse merchants of the privileges of the Steelyard in London.[2] Besides, Denmark not only imposed onerous charges on English vessels passing through the Sound,[3] but its control of this strategic waterway jeoparded English commercial interests in the Baltic. Finally, the new trade to Russia was already declining, owing to competition and to the fact that the Muscovy Company no longer enjoyed its exemption from customs duties in that country. This company, moreover, had to defray the expenses both of the Russian embassies to England and of those sent by England in return.[4]

[1] Hakluyt, Discourse, p. 14.

[2] *Cf.* Cunningham, English Industry (ed. 1903) II, pp. 224–227; Ehrenberg, Hamburg und England, pp. 131–158.

[3] Hakluyt, Discourse, pp. 15, 16.

[4] *Ibid.* p. 16. These statements are fully confirmed in Christopher Carleill's discourse of 1583. Therein attention was called to the fact that the Russian trade had cost the Muscovy Company a very large sum before it had become profitable, and that, at the time of writing, it had fallen "to very ticklish terms." This was due to many reasons: the fickleness of the Czar, Dutch competition, the cost of the embassies, the probability of a tribute being ex-

During the three decades following Hakluyt's account, conditions did not improve, as is clearly shown in a conspicuously able pamphlet published in 1615, under the title of *The Trade's Increase*.[1] Its author looked with a gloomy eye upon the future of English commerce, showing that the Russian trade had to a great extent been lost, while that to the Mediterranean had declined owing to the new trade route to India, the depredations of the pirates, and the competition of the Dutch, — "the now Sea-herrs." Of the various remedies proposed for the relief of this precarious economic situation, that which found most favor was the adoption of a policy of colonial expansion.[2]

Thus the chief economic benefit that England expected

acted in the Sound, the ill-will of the Easterlings. In addition, Carleill also pointed out how hazardous were the trades to Turkey, to the Barbary states, and to Spain, and strongly recommended a diversion of English commercial interests to America. Hakluyt VIII, pp. 135–137.

[1] Harl. Misc. IV, p. 202. For England's trade to France, see Unwin, Industrial Organization, pp. 177, 178.

[2] As has already been noticed, Carleill used this argument. It was also the main idea in Hakluyt's discourse. The author of *The Trade's Increase*, however, suggested another remedy. He had some hopes that the Newfoundland fishery would develop satisfactorily, but he laid chief stress on the necessity of England wresting the control of the herring fishery from the Dutch. He wrote: "I cannot find any other worthy Place of foreign Anchorage; for the Bermudas, we know not yet what they will do; and for Virginia, we know not well what to do with it." The former, he said, does not employ much shipping; and the latter is still in embryo, but it is "no Question, a worthy Enterprise, and of great Consequence, much above the Merchants Level and Reach." In view of the great expense, he thought that the London Company was to be commended for persisting so long, and he expressed the wish that all Englishmen would coöperate in the enterprise, "to help to form and bring forth this Birth, not of an Infant, but of a Man; nay, of a People, of a Kingdom, wherein are many Kingdoms." Harl. Misc. IV, p. 209.

to derive from colonial expansion was freedom from dependence on other European rivals, by obtaining direct access to the Far East, by the growth of the English fishing industry, and by the development of new sources of supply in America. In other words, from the viewpoint of the state, it was to a marked degree a movement designed to divert the four great branches of England's import trade from foreign into national channels. The exploring activity of the Elizabethan age was predominantly devoted to finding a northern passage to China, India, and the Spice Islands of the Pacific, by means of which England might obtain the exotic products of the East directly from her own subjects, and not at enhanced prices from the Portuguese and Dutch. This specific object led in 1600 to the formation of the East India Company, which maintained regular commercial relations with India by means of the Cape route. But in addition, this object was very prominent in the colonial movement proper. Very little was known of the interior geography of the continent, and for a considerable period America was regarded by many as a halfway station to the Orient. It was hoped that the occupation of American territory would give England an exclusive and short route to the Pacific. In 1583 and 1584, Peckham,[1] Carleill,[2] and Hakluyt [3] called attention to the probability of such a result. This idea was also prominent at the time of actual settlement, and it even retained its vitality for a number of years thereafter. In 1609, it was

[1] Hakluyt VIII, p. 140. [2] *Ibid.* p. 112.
[3] Hakluyt, Discourse, pp. 108 *et seq.*

distinctly mentioned as one of the objects of the Virginia enterprise,[1] and it also occupied the minds of those intrusted with founding a settlement in New England under the charter of 1606.[2] In 1610, a report to the Spanish Council of State concerning English colonization stated that the English expected to find a passage from Virginia to the South Sea.[3] As late as 1623, George Sandys spoke of the probability of such a discovery,[4] and in the following year the colonizing company officially mentioned this as one of the advantages to be derived from Virginia.[5]

As the work of actual settlement in America progressed, the futility of this hope became patent, and England was forced to place sole reliance on the growth of her trade with India by the Cape route. In this way, the colonial development was gradually divorced from the movement of commercial expansion in the Orient. Similarly, at the outset, one of the factors that gave a great impetus to the colonial movement was the desire to develop the English fishing industry. In the days of Elizabeth, the arch-enemy was Spain, which threatened England's national

[1] Nova Britannia, p. 22. Force I, no. 6.

[2] Letter of George Popham, dated Sagadahoc, Dec. 13, 1607. Brown, Genesis I, p. 146.

[3] *Ibid.* p. 397. A few years thereafter, William Strachey likewise mentioned this as one of the probable advantages to be expected from Virginia. *Ibid.* pp. 562 *et seq.*

[4] Va. Mag. VI, p. 243.

[5] Virginia Co. II, p. 527; London Co. II, p. 265. At as late a date as 1649, the hope of reaching China and the East Indies from Virginia was cherished. A Perfect Description of Virginia (London, 1649), p. 8, in Force II, no. 8. See also *ibid.* III, no. 11, p. 8.

existence. In the succeeding era, that of the first two Stuarts, there slowly developed a consciousness of the fact that the United Provinces threatened to cramp England's growth and development. The Spanish antagonism was largely political and religious; the Dutch rivalry was essentially economic. In no respect was Dutch commercial supremacy more conspicuous and more galling to English pride than in the herring fisheries carried on in the waters surrounding England. Just as it had been recognized in the Elizabethen age that the mines of America constituted Spain's chief source of strength, so statesmen of the following era perceived that Dutch prosperity was founded on the herring fisheries.[1]

Fish constituted one of the chief elements of England's diet, but a large proportion of the quantity consumed was bought from foreigners, largely from the Dutch. According to Sir George Peckham, who wrote in 1583, English fishermen imported only one-third of the necessary supply.[2] As the Dutch were so firmly intrenched in the European industry, the attention of England was turned toward America as a means of remedying so disadvantageous a situation. With this object in view, it was urged that Sir Humphrey Gilbert's enterprise should not be allowed to remain barren, but that a colony be planted in Newfoundland.[3] In 1584, Hakluyt advised that possession be taken of this territory, and that England levy taxes on

[1] *Cf.* Cal. Dom. 1625–1649, p. 6.
[2] Hakluyt VIII, p. 110.
[3] *Ibid.* Sir George Peckham.

all foreign vessels fishing there.[1] Similarly, as the regions to the South became better known, it was realized that here too could be developed an extensive fishery,[2] which might free England from her dependence on the Dutch. This desire to foster the English fisheries was an important underlying motive in the colonial movement. In the course of time it was seen, however, that the development of this English industry, both in Newfoundland and in New England, while necessitating the assertion of territorial sovereignty, was not contingent upon the intensive settlement of those countries, and that to some extent the colonies interfered with the mother country's direct and immediate interest in these fisheries. Hence gradually, as the settlement of America progressed, less stress was laid on this argument.

Just as it was anticipated that the colonial movement would free England from the necessity of purchasing Eastern products and fish from foreigners, so it was expected that America would furnish her with those commodities hitherto obtained from the Baltic and South European countries.[3]

[1] Hakluyt, Discourse, pp. 87, 88. Hakluyt said that 100 to 200 Spanish and Portuguese ships fished yearly at Newfoundland. *Ibid.* p. 48.

[2] *Cf.* Virginia Co. II, p. 527; London Co. II, p. 265.

[3] Thus Captain John Smith wrote: "Muscovia and Polonia doe yeerely receive many thousands for Pitch, Tarre, Sope ashes, Rosen, Flax, Cordage, Sturgeon, Masts, Yards, Wainscot, Firres, Glasse, and such like: also Swethland for Iron and Copper. France in like manner for Wine, Canvas, and Salt; Spaine as much for Iron, Steele, Figs, Reasons, and Sackes. Italy with Silkes and Velvets consume our chief commodities. Holland maintaines itselfe by Fishing and Trading at our owne doores. . . . Then how much hath Virginia the prerogative of all those flourishing Kingdoms, for the benefit of our Land,

As this fundamental idea had important consequences both in shaping colonial policy and in directing the actual course of expansion, it will be advisable to examine its growth and development.

The colonial movement of the seventeenth and the commercial expansion of the preceding century were closely connected phenomena, and were to a great extent based on the same motives. The attempts to find a northern passage to India were ultimately designed to free England from her dependence on the Portuguese.[1] Similarly, the main object of the large trading companies — with the exception naturally of the Merchant Adventurers — was to procure foreign products on more advantageous terms.[2] This close connection between the commercial and colonial movements is well illustrated in the discourse that Captain Christopher Carleill wrote in 1583, in order to persuade the Muscovy Company to direct its efforts toward America. He admitted that at the beginning the trade would neces-

when as within one hundred miles all those are to bee had, either readie provided by nature, or else to be prepared, were there but industrious men to labour." Purchas XVIII, pp. 437, 438.

[1] In his discourse on the northwest passage, written in 1576, Sir Humphrey Gilbert devoted an entire chapter to the consideration of "what commodities would ensue, this passage once discovered." He laid great emphasis on "the wonderfull commodities which this discovery may bring, especially to this realme of England," but he naturally did not ignore that there would also result an increased outlet for English commodities, especially for cloth. Hakluyt VII, pp. 185–189.

[2] Thus the fact "that divers Marchandize of the same Countries are very necessary and convenient for the use and defence of this our Realme of England" appears in the charter of 1585 to the Barbary Company as the chief motive that induced Elizabeth to grant the patent. Hakluyt VI, p. 420.

sarily be insignificant, but he prophesied that in a short time "there may be well expected from thence no lesse quantitie and diversitie of merchandize then is now had out of Dutchland, Italie, France, or Spain." [1] From the northern parts of America, Carleill said England could obtain naval stores and other products of the Baltic countries, and also fish; [2] from the southern and western parts could be procured wine, olives, salt, and other commodities which England was accustomed to purchase from southern Europe.

What Carleill and his fellow-workers had in mind was not the establishment of new communities on American soil, but the erection of trading posts which would facilitate the purchase of these supplies from the native population.[3]

[1] *Ibid.* VIII, p. 140.

[2] Pitch, tar, hemp, masts, hides, furs, "without being in any sort beholding to a king of Denmarke, or other prince or state that shall be in such sort able to command our shippes at their pleasure, as those doe at this day, by meanes of their strait passages and strong shipping." *Ibid.* p. 139.

[3] In 1583 also, Sir George Peckham advocated a similar system of colonization, maintaining that America could furnish England with furs, silk, fish, fruits, wood, gold, silver, copper, lead, tin, jewels, naval stores, hemp, flax, dyes, feathers, *etc.* *Ibid.* VIII, pp. 115, 116. Similarly in 1584, Richard Hakluyt said "that this western voyadge will yeelde unto us all the commodities of Europe, Affrica and Asia, as far as wee were wonte to travell, and supplye the wantes of all our decayed trades." Hakluyt, Discourse, p. 19. From the northern parts of America, he said, England could obtain masts, shiptimber, pitch, tar, resin, soap-ashes, and hemp; from the southern parts, besides the advantages of the fishery, could be procured a miscellaneous lot of commodities, including the precious metals, sugar, silks, wines, fruits, and salt. *Ibid.* pp. 37, 38. In addition, Hakluyt emphasized the importance to England of America's forests, for English timber was scarce. *Ibid.* p. 105. In Ralph Lane's letter to Hakluyt, dated Virginia, Sept. 3, 1585, it was stated "that what commodities soever Spaine, France, Italy, or the East

As America became better known, this scheme of extensive colonization was seen to be impracticable, and it was recognized that Englishmen would have to settle permanently in America and to exploit its resources themselves. But the underlying economic idea remained unchanged; the colony was to be primarily a source of supply for the metropolis. In 1606, at about the time when the first Virginia charter was issued, a remarkably able paper was written in favor of the government aiding the work of colonization.[1] The author thereof starts with the assertion that all kingdoms are maintained by rents or traffic, especially by the latter; and that England depends on her shipping, both for her trade and for her safety. Her shipping, the argument continues, necessitates a supply of naval stores, which England cannot produce, and which she obtains "only by the favor of forraigne potency." Consequently the government should undertake the work of colonization, because if England had colonies "able to furnish our wantes," our money and merchandise that now go to strangers would go to kinsmen, from whom in return we should receive what we need, and the ensuing trade would be in its nature more "home bread trafique than a forraigne exchange." In addition, this writer advances the typically mercantilistic view that a state which either has sufficient for itself, or can export its natural products to pay for its imports,

partes doe yeeld unto us, in wines of all sortes, in oyles, in flaxe, in rosens, pitch, frankensence, corrans, sugers, and such like, these parts doe abound with the growth of them all." Hakluyt VIII, p. 319. *Cf.* also Thomas Heriot's account, *ibid.* pp. 348 *et seq.*

[1] Brown, Genesis I, pp. 36–39.

is most complete and wealthy. Obviously, this ideal status would be attained if the establishment of colonies in America should free England from the necessity of purchasing from her European rivals.[1]

The same argument was prominently used in all the writings in favor of the Virginia enterprise.[2] In 1610, the colonizing company laid especial stress on the fact that Virginia could provide England with supplies, such as copper, iron, steel, ship-timber, masts, cordage, and soap-ashes, otherwise obtainable only "at the curtesie of other Princes, under the burthen of great Customs, and heavy impositions."[3] In another official statement of the com-

[1] This idea is prominent in a despatch regarding the Virginia enterprise written in 1606 by the Spanish ambassador to his government. Therein he said: "They claim to be able to obtain from the country higher up than the Island of St. Helena, the same commodities as from Spain, because it is under the same latitude, so as not to be in need of it"; that is, so as not to need the products of Spain. Brown, Genesis I, p. 89.

[2] Thus in 1609, in his sermon in favor of Virginia, Richard Crakanthorpe said that the colony was so rich and fertile, that "besides the sufficiency it naturally yields for itself, [it] may with best convenience supply some of the greatest wants and necessities of these Kingdoms." Brown, Genesis I, p. 256. Daniel Price, the author of a similar sermon, *Saules Prohibition Staide*, emphasized the same idea. After an extraordinarily extravagant enumeration of the commodities that might be expected from Virginia, he said the colony could furnish "whatsoever commodity England wanteth." *Ibid.* I, p. 312. In the same year also, Hakluyt said that cotton, silk, and dyeing materials could be obtained from Virginia. Virginia Richly Valued (London, 1609), Epistle Dedicatorie. The same line of thought is also prominent in Crashaw's sermon of 1610. Brown, Genesis I, p. 363. Similarly, about 1612, Strachey asserted that Virginia would prove a source of naval stores "so dearly obteyned from the easterly Countries." *Ibid.* II, pp. 562 *et seq.*

[3] "A True and Sincere declaration of the purpose and ends of the Plantation begun in Virginia," in Brown, Genesis I, p. 340. Later, in the same

pany, likewise of the year 1610,[1] the natural resources of Virginia were described with enthusiasm and in great detail. Especial attention was called to its wealth of forests, from which could be obtained potash, pitch, tar, lumber, and masts; to its iron deposits, its furs, wines, dyes, and drugs. Furthermore, it was asserted that Virginia was adapted to the production of oranges, sugar, rice, as well as of the other products of southern Europe, and that consequently, in future, these "may be supplied to us in our owne countrey, and by our owne industry." [2]

document, assurance was given that the colony would furnish England also with wine, pitch, dyes, silk-grass, and pearls. *Ibid.* p. 349.

[1] "A True Declaration of the estate of the Colonie in Virginia," in Force III, no. 1. See also Purchas XIX, p. 71.

[2] Force III, no. 1, p. 21. In general it was claimed that Virginia would free England from the necessity of purchasing from her European rivals. It was asserted that the colony could furnish England with caviar and oil, hitherto obtained from Russia; with sturgeon, hitherto imported from the East countries; with soap-ashes and potashes, which were becoming scarce in Prussia; with masts, naval stores, flax, and hemp, whose supply was endangered by the wars between Poland and Muscovy; with wines and fruits, hitherto imported from southern Europe. It was pointed out that this last trade was entirely at the mercy of hostile princes, "who for their proper utility deuise all courses to grinde our merchants, all pretences to confiscate their goods, and to draw from us al marrow of gaine by their inquisitiue inuentions." *Ibid.* pp. 22, 23. Similarly, the author of a pamphlet published in 1609 in support of the Virginia enterprise, wrote glowingly of the resources of the colony, of its forests, its mineral deposits, its rich soil. He claimed that Virginia could supply England with naval stores, timber, rice, sugar, dyes, drugs, wine, silk, potash, furs, fish, caviar, iron, copper, gold, silver, *etc.* — a heterogeneous list, which, if the prophecy had proven true, would have done away with the bulk of England's import trade from foreign countries. Nova Britannia, in Force I, no. 6, pp. 11–22. This argument was also fully developed in Virginias Verger (1625), whose author enumerated the commodities that the colony could supply, such as timber, silk, wine, naval stores, *etc.*, for which "many

In 1620 also, the company claimed that instead of having to buy furs, cordage, and caviar in Russia; masts, timber, pitch, tar, potash, and hemp in Norway, Denmark, Poland, and Germany; wine, fruit, and salt in Spain and France; silk in Persia and Italy, England would obtain all these products from Virginia. Besides, it was asserted that the colony would provide iron, dyes, drugs, cotton, and sugar.[1]

The same basic idea was equally conspicuous in the arguments advanced in favor of the settlement of the territory north of Virginia. In 1622, the Council of New England called attention to the fact that this region could supply England with fish, furs, hemp, silk, naval stores, timber, and that, "in a word, there comes no commodity out of *France*, *Germany*, or the *Sound*, but may be had there, with reasonable labour and industry." [2] The pamphlets published in favor of the settlement of New England placed marked stress on its value as a new source of supply, especially of fish, timber, and naval stores.[3] The main emphasis was laid on the probability of New England producing these stores which, according to a writer

thousands are yeerely expended to the profits of strangers." Consequently, he concluded, "Virginia inviteth our hopes . . . so that we shall save those treasures and costs that way expended, shall lesse depend on other Nations." Purchas XIX, pp. 245–251.

[1] "A Declaration of the State of the Colonie and Affaires in Virginia," in Force III, no. 5, pp. 1–4.

[2] A briefe Relation of the Discovery and Plantation of New England (London, 1632), p. 27; Baxter, Gorges I, p. 231.

[3] New Englands Plantation (London, 1630), pp. 7, 8, in Force I, no. 12; The Planters Plea (London, 1630), ch. IV, p. 15, in Force II, no. 3.

of the day, were such "usefull commodities, that if wee had them not from other Countries in Amity with England, our Navigation would decline. Then how great the commodity of it will be to our Nation, to have it of our owne, let any man judge."[1]

It is thus clearly apparent that the chief advantage anticipated from a policy of territorial expansion was greater economic independence from foreign nations through the development of new sources of supply under the English flag.[2] The predominance of this idea was a direct con-

[1] Thomas Morton, New English Canaan (London, 1632), pp. 43, 44, in Force II, no. 5. *Cf.* also pp. 45, 46, 58, 59, 64. On Dec. 10, 1633, Emanuel Downing wrote to Secretary Coke that, if the Massachusetts Bay Company were allowed to enjoy its rights under the patent, "then shall this kingdome clearly gaine by the fruits of theire labo^rs that commodious trade of cordage, pitch and tarr." Coke MSS.

[2] In 1613, Robert Harcourt published a pamphlet in favor of founding a colony in Guiana, in which he stated that, in every foreign action, regard ought to be paid to three chief ends: the glory of God, the honor of the sovereign, and the benefit and profit of the nation. He claimed that this enterprise would answer the last end, for "who can deny, but that our Country by this worthy Action may be inriched, through divers and sundry Commodities of great Worth, in those Parts daily found, and easily obtained?" A Relation of a Voyage to Guiana (London, 1613), in Harl. Misc. VI, p. 476. Purchas XVI, p. 402, omits this part of the pamphlet. That this idea was dominant is also evident from the writings of Gorges. When describing the benefits that foreign nations had derived from colonies, he emphasized the fact that valuable commodities had been obtained from them, and that it was their success which had induced England to follow the lead of Spain and Portugal. Virginia, he thought, would prove useful, as it could produce flax, hemp, pitch, and tar, if not sugar and cotton. New England likewise, according to Gorges, would prove advantageous in a number of ways, because of its rich soil, its mineral deposits, and its furs. Gorges, A Briefe Narration, pp. 59, 60. Similarly, in a petition of 1641, the suitability of North America for colonization was demonstrated by the fact that it could produce silk, vines, cotton, tobacco,

sequence of the prevailing economic theories and of the conditions existing in England's foreign trade. This view was also strengthened by other factors. The native population of America was too sparse and too poor to furnish a large market for English manufactures, and it was realized that an Englishman who settled in America would not, merely by this fact, increase his powers of consumption. Furthermore, the colonial movement was financed by individuals who naturally desired some return on their investment.[1] This they could obtain only by the development of America's natural resources. Thus, theory and fact reinforced one another, and as a result, the colony was looked upon mainly as a source of supply, and its value was gauged by its conformity with this ideal.[2]

furs, timber, metals, and naval stores. A Petition of W. C. exhibited to the High Court of Parliament, p. 6, in Force I, no. 13.

[1] Consequently the attention of those directing the settlements in America was primarily directed toward finding out what could be shipped thence to England. Thus, in 1607, George Popham wrote from Sagadahoc that the natives affirmed that the country produced nutmegs, mace, cinnamon, pitch, Brazil woods, cochineal, ambergris, besides many other valuable products. Brown, Genesis I, p. 146. See also Gorges's letter of Dec. 1, 1607, in Baxter, Gorges III, pp. 154–157.

[2] It was also recognized that if the colonies produced more than England could consume, this surplus could be exported to foreign countries and would appear as a credit item in England's trade balance. Nova Britannia, p. 16, in Force I, no. 6; Virginias Verger, in Purchas XIX, p. 251. Similarly, it was perceived that a colony which was supplied with manufactures by England and produced commodities not wanted in the mother country, might still be advantageous by exporting these products to foreign markets, where they would pay for supplies needed by England. Thus, in 1638, Gorges wrote to Secretary Windebank that the exports of fish and lumber from the American colonies to Spain, Madeira, and the Canaries paid for commodities imported from these places into England. Baxter, Gorges III, pp. 287–291.

The theory that the colony was to be a source of supply implied, however, inevitably that it was also to be a market for English produce. One conception was the natural corollary to the other, and consequently the value of colonies as an outlet for the mother country's manufactures was by no means ignored. At the outset of the movement, two decades before Elizabeth's death, when but little was known of America's native population, it was expected that trade with the Indians would develop a considerable market for English manufactures.[1] Thus in 1583, Carleill maintained that the colonization of America would result in "a very liberall utterance of our English clothes" and of other manufactures into a country larger than all Europe.[2] Similarly, in the following year, Richard Hakluyt, after calling attention to the rigors of the North American climate, said: "Nowe if her Majestie take these Westerne discoveries in hande, and plante there, yt is like that in shorte time wee shall vente as great a masse of clothe yn those partes as ever wee did in the Netherlandes, and in tyme moche more."[3] This argument[4] was less prominently

[1] In 1583, Peckham advanced this argument. Hakluyt VIII, pp. 111–112.

[2] *Ibid.* p. 140.

[3] Hakluyt, Discourse, p. 41. See also pp. 36–42.

[4] In a pamphlet published in 1609, in support of the Virginia enterprise, after an enumeration of the commodities obtainable there, it was stated: "But of all other things, that God hath denied that countrie, there is want of sheepe to make woollen cloth, and this want of cloth must alwaies bee supplied from England, whereby when the Colony is thorowly increased, and the *Indians* brought to our Ciuilitie (as they will in short time), it will cause a mighty vent of *English* clothes, a great benefit to our Nation, and raising againe of that auncient trade of clothing, so much decayed in England." Nova Britannia, p. 22, in Force I, no. 6.

used after the size and poverty of America's native population became better known. It was, however, never lost sight of,[1] and it was to some extent strengthened by the fact that England's European rivals were energetically striving to create national industries which would enable them to dispense with English manufactures.[2] The main emphasis was, however, not laid on this phase; that a new market would be opened for English manufactures was regarded merely as the natural sequel to the fact that the colony would be able to furnish England with commodities hitherto purchased from foreigners.[3]

It was also expected that the development of new sources of supply and of broader markets would result in a greater volume of trade, which in turn would imply an increase in England's shipping interests. As merchant ships were usually heavily armed and constituted an important part of the navy, it followed that colonization would increase England's sea power, upon which national security chiefly depended. This general line of reasoning was frequently

[1] In 1610, it was advanced by the London Co. Force III, no. 1, p. 25.

[2] On account of these attempts, it was maintained in 1606, that England must "prepare a place fit for the vent of our wares." Brown, Genesis I, pp. 36–39.

[3] The same general argument was used in favor of colonization by Scotsmen. Thus in 1624, Sir William Alexander wrote in connection with his proposed colony of New Scotland: "And where the *Scottish* Merchants before had no trade but by transporting Commodities that might haue beene imployed at home, and oftentimes monie, to bringe backe Wine from *France*, and Pitch, Tarre, and Timber from the Easter Seas. Now only by exporting of men, Corne, and Cattle, they may within a little time be able to furnish back in exchange these things before named." An Encouragement to Colonies (London, 1624), p. 39, in Slafter, Alexander, pp. 206, 207.

used in the contemporary publications.[1] In 1584, Hakluyt complained that despite the navigation acts and the encouragement given to the fishery, the mercantile marine, "which is the strength of our realme," had decayed; he maintained that colonization would surely avert this evil, because the American voyages required large ships, and because Newfoundland could furnish England with naval stores.[2] Twenty-five years later, it was again asserted that England's shipping interest was declining, and that colonization was necessary to revive it.[3] In addition it was seen that, while colonization would result in increased sea power, this in turn implied greater ability to acquire and control colonies, for due recognition was given to the fact that a policy of expansion had to be based upon adequate naval strength.[4]

As a natural sequel it followed also that colonization would add to the general prosperity, and consequently

[1] See, *e.g.*, Gilbert's Discourse, in Hakluyt VII, p. 187.

[2] Hakluyt, Discourse, pp. 89, 90. In 1583, Peckham used identically the same argument. Hakluyt VIII, p. 110. *Cf.* also Gorges, A Briefe Narration, p. 63; London Co. II, p. 265; Baxter, Gorges III, p. 293.

[3] It was pointed out that many English ships were being sold to foreigners, and that for want of employment, English mariners were emigrating to foreign countries. Colonization, it was asserted, would remedy this condition, and "make this little Northerne corner of the world, to be in short time the richest Store-house and staple for marchandize in all Europe." Nova Britannia, pp. 21, 22, in Force I, no. 6.

[4] Bacon said that Spain's "Greatness consisteth in their Treasure, their Treasure in their *Indies*, and their *Indies*, if it be well weighed, are indeed but an Accession to such as are Masters by Sea, so as this Axletree, whereupon their Greatness turneth, is soon cut in two, by any that shall be stronger than they by Sea." Considerations touching a War with *Spain*, in Harl. Misc. V, p. 91.

that the national revenue would increase. This last factor was influential in stimulating the interest of the first two Stuarts and in gaining their support. It was taken for granted that the dominions beyond the sea were to be outside the barriers of the English fiscal system, and that goods exported to the colonies, as well as those imported thence, would have to pay customs duties.[1]

The most potent and fundamental of the various economic reasons employed to justify a policy of expansion was, however, the expectation of finding new sources of supply, in order to make England independent of foreign nations. At the very outset, there was a clearly defined tendency toward the creation of a self-sufficient commercial empire. It followed that the course of colonization was directed toward regions most likely to answer this end. On the one hand, this led to the formation of the East India Company; on the other, to colonial experiments in North and in South America, as well as in the West Indies. Of the four great branches of England's import trade, the most vital was that with the Baltic countries, whence came the indispensable naval stores.[2] Conse-

[1] In 1584, Hakluyt pointed out that in addition to the customs duties, the Crown's revenue would be increased by the reservation of a portion of the precious metals, and by the imposition of a tax on all foreigners fishing at Newfoundland. Hakluyt, Discourse, pp. 86–88.

[2] In 1603, the Venetian secretary in England wrote to the Doge and Senate: "The Scandinavian trade in the Baltic is very much hampered by the King of Denmark, who is able so easily to close the Belt. . . . As the closing of this sea would mean for the English the loss of a trade equal to that of the West Indies, Guiana, and Brazil, and larger than that of Venice, Ragusa, Lepanto, Constantinople, and Syria, the private merchants have offered . . . *etc.*" Cal.

quently the earliest and most strenuous efforts were devoted toward developing colonies that would be able to compete in these products with northern Europe. Accordingly, during the reigns of the first two Stuarts, attention was directed mainly toward the colonization of the temperate regions in America that could supply pitch, tar, and hemp.[1] As the attempts of the early settlers to produce these commodities were largely failures, there developed toward the end of this period a marked tendency in favor of tropical colonization, by means of which England could obtain an abundant supply of exotic products, not only, or even chiefly, for home consumption, but for export to foreign countries in payment for commodities that England was forced to purchase from them.

Finally, as far as colonial policy was concerned, there followed an important consequence from this view of the utility of colonies. Inasmuch as colonies were chiefly valued as sources of supply, and as the state assumed grave responsibilities in sanctioning the movement, it would have been considered the height of folly to allow the colony to send its produce to any place but the metropolis. Consequently, very early in the history of the Empire, it be-

State Papers, Venice, 1592–1603, pp. 548, 549. *Cf.* pp. 555, 556. In the report to Charles I on Canada, dated Nov. 24, 1630, special stress was laid on its capacity to supply hemp, tar, pitch, masts, and ship-timber. Brit. Mus., Egerton MSS. 2395 folio 19. In 1641, Sir Thomas Roe said in Parliament that the Baltic trade was "the Root of all others, because the Materials, brought from those Parts . . . are fundamental, and of absolute Necessity." Harl. Misc. IV, p. 415.

[1] This tendency was reinforced by the fact that the best fishery was also in this region.

came the established custom to confine the colony's exports to the mother country, for otherwise the chief object of the government in permitting the movement would have been thwarted.

## CHAPTER IV

### THE EARLY HISTORY OF TOBACCO

According to accepted tradition, it was in the first decade of Elizabeth's reign that tobacco was introduced into England by John Hawkins, and was subsequently made popular by Walter Raleigh.[1] Its use spread rapidly; so much so, that in 1614 there were said to be in London alone seven thousand shops selling tobacco.[2] On its first importation, tobacco was used primarily as a drug, and even for a considerable period thereafter, it was deemed to possess invaluable medicinal qualities.[3] Thus Lord Herbert of Cherbury, the metaphysician, diplomatist, and historian, noted in his autobiography that he had taken tobacco as a remedy "against certain rheums and catarrhs."[4] At the same time, tobacco began to be consumed exten-

[1] R. A. Brock, A Succinct Account of Tobacco in Virginia, in 10th United States Census, Productions of Agriculture, p. 266; Tarbox, Sir Walter Raleigh, p. 36.

[2] Autobiography of Lord Herbert of Cherbury (ed. Lee), p. 210 n. Camden, the Elizabethan annalist, said that tobacco shops were "kept in Townes everywhere no less than tap-houses and tauerns." Tarbox, *op. cit.* p. 36.

[3] Monardes, Segunda Parte del Libro de las Cosas que se traen de nuestras Indias Occidentales que sirven al uso de medicina (Sevilla, 1571); Tobias Venner, A Briefe and Accurate Treatise concerning the taking of the fume of Tobacco (London, 1621). See also Hakluyt VIII, pp. 363, 364; *ibid.* X, p. 57.

[4] Autobiography, p. 210.

sively for purely hedonistic purposes as well. The contemporary dramatic literature abounds in allusions to this custom,[1] and in 1621 it was stated that "many of our people, and that of all sorts, doe greatly affect the taking of Tobacco."[2]

This increasing use of tobacco[3] aroused strong opposition, which was based on sanitary, moral, and economic grounds. Thus Malynes, finding that Misselden, with whom he was engaged in a bitter economic controversy, had expressed mutually inconsistent opinions in different publications, said: "It seemeth that some *Tobacco* smoake

[1] Beaumont and Fletcher, Knight of the Burning Pestle, act. I, scene III; act V, scene III; Dekker, Gull's Hornbook (Bristol, 1812), pp. 17, 18; Ben Jonson, Every Man in His Humour, act III, scene II; and Bartholomew Fair, act II, scene I. See also Arber's English Reprints X, pp. 81–94, 113–120.

[2] Venner, *op. cit.* p. B 3. The extremely high price of tobacco necessarily prevented its use by the poorer classes. Yet the Wiltshire records give an instance of an ordinary villager using tobacco in 1613. MSS. of Various Collections, H.M.C. 1901, I, p. 87.

[3] In 1604, James I said that the public use of tobacco prevailed to such an extent that many had been forced to acquire the habit in order not to appear singular. A Counter-Blaste to Tobacco (ed. Goldsmid, Edinburgh, 1884), p. 30. In 1613, Robert Harcourt stated that, although some dislike the use of tobacco, "yet the Generality of Men, in this Kingdom, do with great Affection entertain it," and that in 1610 the importations thereof into England amounted to £60,000. "A Relation of a Voyage to Guiana" in Harl. Misc. VI, p. 467. In 1613, it was asserted that England spent yearly £200,000, or even more, on tobacco. H.M.C. IV, 1, p. 283. According to the customs records, the average quantity of tobacco imported into England during the seven years ending Sept. 29, 1621, was 142,085 pounds. London Co. I, p. 199. *Cf.* I, pp. 214, 215. It was, however, generally admitted that as much again was smuggled. *Ibid.* I, p. 201. It was estimated in 1621, that England consumed daily one thousand pounds of tobacco. Commons Journal I, p. 579.

did offend his memory; which made him forgetful." [1] Similarly, William Vaughan accused some of losing "their wits and the use of their senses" through this stimulant.[2] This attractive writer coupled smoking and drinking as twin vices, and said that "*Tobacco*-taking of late yeeres supplied the vse of Preparatiues, Leaders, or drawers on of drinke, such as Caueare and salt meates were vsed among the *Sibarites*." [3] Not only was smoking regarded as a vice akin to immoderate drinking,[4] but it was also associated with other forms of intemperate living. In 1634 it was said, that keepers of brothels used tobacco pipes as signs to indicate the nature of their houses.[5] Finally, the use of tobacco was opposed on economic grounds, partly as a "wastfull expense," or in modern terminology, as unproductive consumption, and also partly because it tended

[1] Malynes, The Center of the Circle of Commerce (London, 1623), p. 11.

[2] William Vaughan, Golden Fleece (London, 1626) III, p. 3.

[3] Vaughan, *op. cit.* II, p. 79. Vaughan said that he "likewise burned with zeale to haue the common Takers of *Tobacco*" sent out of the country with those addicted to "the beastly vice of Drunkennes," and advocated their punishment by the magistrates. "For surely," he wrote, "men beganne to grow mad and crazed in the brain in that they would aduenture to suck the smoke of a weed, nay if it were neuer so Catholick Medecin, at all times, feasting and fasting, in health as well as sicknesse, without regard had to the persons, ages, sexes, times, temperatures, moist or dry, hot or cold." *Ibid.* II, pp. 79, 81.

[4] Thus in 1635, the master of one of the Cambridge colleges admonished all scholars to forbear "haunting the towne, especially all such houses or places where wine, ale, beare, or tobacco, is soulde." H.M.C. V, 1, p. 483.

[5] Cal. Dom. 1633–1634, p. 479. In the "Pennyless Parliament of Threadbare Poets," a satire published in 1608, we read, that "many, for Want of Wit, shall sell their Freehold for Tobacco-pipes and red Petticoats," which is explained in the footnotes as meaning "will drink and whore away all their Estate." Harl. Misc. I, p. 180.

to drain England of the precious metals by reducing the credit balance arising from her trade with Spain.[1]

This deeply rooted feeling of opposition to the use of tobacco, which was predominantly based on the prevailing moral ideas, was voiced by James I in his "Counter-Blaste to Tobacco," published in 1604.[2] Therein he denied the medicinal value of tobacco,[3] and said "there cannot be a more base, and yet hurtful corruption in a Countrey, than is the vile use (or rather abuse) of taking *Tobacco* in this Kingdom."[4] Charles I inherited his father's views, and expressed them with probably equal sincerity, though characteristically with more moderation. In his proclamation of January 6, 1631, he stated that tobacco "ought to be used as a Drugg onely, and not soe vainely and wantonly as an evil habit of late tymes had

[1] Vaughan, *op. cit.* III, pp. 58, 78. Malynes complained that when tobacco was imported, it left nothing but smoke, and that it was "not only bought at dear rates, and doth hinder the importation of Bullion or Ryals of Plate, but is also the cause that our home Commodities, as Cloth, Bayes, Perpetuanoes, and Sayes, are sold to loss by the buyers of Tobacco, which caused the price of our Commodities to be abated, and the Realm to lose above forty thousand pounds yearly by this negotiation of Barter." Malynes, Consuetudo, vel, Lex Mercatoria (3d ed. London, 1686), p. 63. See also a similar statement in Malynes, The Center of the Circle of Commerce (London, 1623), pp. 108, 109.

[2] The references are given to Goldsmid's edition, Edinburgh, 1884. The pamphlet is also readily accessible in Arber, English Reprints, vol. X.

[3] *Ibid.* pp. 15–26. However, he seemingly considered that it was an antidote against "the Pockes, a filthy disease," and said that it was used as such by the Indians, and was introduced with the disease itself into Europe. *Ibid.* p. 12.

[4] *Ibid.* p. 9. In his opinion, smokers "were guiltie of sinnefull and shamefull lust," and hurt themselves in persons and in goods, and took upon themselves also "the markes and notes of vanitie." *Ibid.* pp. 27, 32.

brought it unto," and he prohibited the importation of Spanish and other foreign tobacco so that "our Subjects may not unthriftely vent the solid Commodities of our owne Kingdome, and return the proceed thereof in Smoak."[1] Similarly in 1639, Charles asserted that "through the immoderate taking of Tobacco, provoking the takers thereof to excessive Drinking and other inconveniences, the health of many of our subjects had been impaired."[2]

The opposition to the use of tobacco was not confined to England, but was world-wide. In Russia, throughout the entire century, the use of tobacco was prohibited by both ecclesiastical and civil law. In India, the Mogul Emperor, Jahángír, like his English contemporary, wrote a treatise against tobacco.[3] Of Anglo-Saxon communities, it was naturally Puritan New England that gave most concrete expression to this aversion. Before the Massachusetts Bay Company was incorporated, the scattered English settlers in this region had been accustomed to grow some tobacco. The company, however, strenuously opposed this industry, and on April 17, 1629, wrote to the authorities in the colony that this was a trade generally disavowed by the company, and utterly disclaimed by some of the greatest adventurers in it, who declared themselves

[1] Rymer XIX, pp. 235, 236.

[2] Proclamation of March 25, 1639. Society of Antiquaries (London), Proclamations, 1634–1648. In 1621, it was stated in the House of Commons that "Tobacco and Ale (are) now made inseparable in the base vulgar Sort: These (are) accompanied with Idleness, Drunkenness, Sickness, Decay of their Estates, etc." Commons Journals I, p. 605.

[3] S. Lane-Poole, Aurangzíb, p. 12.

absolutely unwilling to have any hand in the plantation, if there was any intention to cherish or permit the planting of this crop. Consequently, the company forbade all new settlers to raise tobacco, although allowing the old planters to continue to do so temporarily,[1] and at the same time prohibited the sale or use of tobacco within the colony, unless "vpon vrgent occasion for the benefitt of health, and taken privately."[2] Shortly thereafter these explicit instructions were renewed.[3]

The colony acted in conformity with these directions. In 1632, the public use of tobacco was prohibited under the penalty of a fine,[4] and in the following year the provincial legislature classed those using the "weed" with idlers, vagrants, and other unprofitable persons.[5] In 1634, the fine for the public consumption of tobacco was raised, and no one, even in a private house if in company with others, was allowed to partake thereof.[6] Furthermore, in

[1] They said that the old planters would probably not find the industry profitable, on account of the fall in price resulting from the increased production elsewhere; "ere long it is like to bee little worth."

[2] Records of Mass. I, pp. 394, 395; Hazard I, p. 258.

[3] On May 28, 1629, the company wrote to John Endicott and the Council that no tobacco was to be planted by the new settlers "unless it bee some small Quantitie for meere Necessitie, and for Phisick for Preservacon of their Healths and that the same bee taken privately by antient Men and none other; and to make a generall Restraint thereof, as much as in you is, by perswading the old Planters to employ themselues in other Business, according to our Example, and not to permit that any Tobacco bee laden there upon our Shipps." Hazard I, p. 281; Records of Mass. I, p. 403.

[4] Records of Mass. I, p. 101.

[5] *Ibid.* p. 109.

[6] *Ibid.* p. 126. Fines were imposed upon inn-keepers allowing the use of tobacco on their premises.

1635, the purchase and sale of this commodity was prohibited.[1] In 1637 all these laws were repealed,[2] but as it was found that the abuse continued, a new law was passed in the course of the following year, again stringently regulating the consumption of tobacco.[3]

Similar measures were adopted by the other Puritan colonies. In 1637, New Plymouth imposed fines upon those smoking in various places, such as in the streets of towns, or upon highways if not over a mile distant from a dwelling-house.[4] In Connecticut also, detailed regulations were enacted. The act of 1647 divided people into two classes, occasional smokers or complete abstainers, and such as were habitually addicted to the practice. Those in the former class were forbidden to use tobacco, if under twenty years of age, or without a certificate from a physician to the effect that it would be beneficial. Confirmed smokers were forbidden to indulge publicly, or in any house if in company with more than one other person.[5]

It is thus apparent that the aversion to the use of tobacco was not confined to England, and that the opposition

[1] Records of Mass. I, p. 136. The sale of tobacco at wholesale for export was allowed. *Ibid.* p. 180.

[2] *Ibid.* pp. 204, 206.

[3] No one was allowed to consume tobacco in the fields, except when travelling or at meal-times under the penalty of 12*d.* for each offence; nor was it allowed to be used in or near any house, barn, hay, or corn-rick under the penalty of 10*d.*, nor in any inn, unless in a private room, under the penalty of 2*s.* 6*d.* *Ibid.* pp. 241, 242.

[4] Records of New Plymouth, Laws 1623–1682, p. 27. In 1646, this law was slightly modified. *Ibid.* p. 53. *Cf.* also p. 97. By a law of 1639 those impanelled as a jury subjected themselves to fines by smoking. *Ibid.* p. 36.

[5] Records of Conn. I, p. 153.

there was not due to the idiosyncrasies of the first Stuarts, but was based upon generally accepted moral, sanitary, and economic arguments. The prevailing attitude was similar to that of the present day in regard to opium.[1] Tobacco was thought to possess distinctly valuable medicinal qualities, but its common use for purposes of self-indulgence was consistently and strenuously opposed. Such practices were associated with excessive drinking and with other forms of debauchery. This attitude toward tobacco was inevitably reflected in English colonial policy, as until the middle of the century, it was virtually the only commodity of considerable commercial importance produced for exportation by the colonies.[2]

At the time of the founding of Virginia, the tobacco consumed in England was derived originally from the Spanish-American colonies. James I had already shown his aversion to this commodity, not only in his "Counter-Blaste," published in 1604, but also at the same time by imposing thereon a virtually prohibitive import duty.[3] When, in 1606, he granted the letters patent to the London and

[1] The Connecticut law of 1647, in so far as different regulations were adopted for habitual smokers and for those not addicted to this habit, is similar to the Japanese regulation of the consumption of opium in Formosa, and to the Chinese opium edict of 1906. P. S. Reinsch, Colonial Administration (New York, 1905), p. 122; A. M. Murray, Imperial Outposts (London, 1907), appendix V, p. 204.

[2] Small quantities of furs, timber, cotton, *etc.*, were exported from the colonies. In addition, fish was shipped in large quantities, especially from Newfoundland; but this was predominantly an English industry in the hands of fishermen, who used England as a base.

[3] Rymer XVI, pp. 601, 602.

Plymouth adventurers, he had no intention of furthering the foundation of tobacco colonies. Had he been able to foresee the future economic development of Virginia, it is not only probable, but practically certain, that the charter would never have been issued. The commodities with which the proposed southern colony was expected to supply the mother country, were — in addition to gold and silver — naval stores, wines, iron, potash, and silk, the staple products that England was obliged to import in considerable quantities from foreign countries. Although it was known that tobacco was indigenous in this part of America,[1] there was no intention of taking advantage of this fact. The precious metals were, however, not found in Virginia, nor could the other desired commodities be produced on a commercial scale, on account of lack of skill, inadequate natural resources, and the heavy cost of carrying them to market. On the other hand, early in the history of the colony, tobacco proved a most advantageous crop. The soil was well adapted to it, and the Indians had been accustomed to cultivate it long before the English settled at Jamestown. More fundamental, however, was the fact that the high prices [2]

[1] *Cf.* Thomas Heriot's report. Hakluyt VIII, pp. 363, 364.

[2] The household account books of the Manners family contain a number of items bearing on this subject. See H.M.C., MSS. of Duke of Rutland (Belvoir Castle) IV, pp. 412, 416, 417, 419, 420, 427, 428, 437, 438, 443, 444, 457, 460, 470, 493, 511, 519, 520. In 1598, ten ounces were bought for 40*s.*, in 1600, two pounds for 32*s.*, in 1602, five pounds for 50*s.*, in 1603, one pound for 32*s.*, in 1606, one pound for 40*s.*, in 1613, one pound for 40*s.*, in 1619, three pounds for £3. For other retail prices, see also H.M.C. V, 1, p. 354, and X, 3, p. 169. *Cf.* J. E. T. Rogers, A History of Agriculture and Prices V, p. 467.

which prevailed at this time in England bore practically no relation to the comparatively moderate cost of production, and greatly stimulated this industry.

The first settlers in Virginia found the natives planting tobacco,[1] and a few years thereafter began to follow their example.[2] Already in 1616, tobacco had become the chief commodity of the colony, and was being regularly shipped to England in small quantities.[3] In 1617, the exports amounted to only 20,000 pounds, but a decade later they had increased to 500,000 pounds,[4] and were still rapidly expanding. This development was paralleled in the Bermudas, though on a smaller scale.[5] Thus in 1625 it was said "that the only Commodity for Marchandizes in booth the Plantations is at this day no other than Tobacco: whereby there apparrell, tooles, impellments & all other necessarys (except victuall) are procured."[6] Two colonies had been established, devoting themselves well-nigh exclusively to the production of a commodity that was looked upon with extreme disfavor in England.[7]

A similar development took place in the other English colonies, as a result mainly of the abnormally high prices that obtained before a large source of supply had been

[1] Purchas XVIII, pp. 410, 411.

[2] Brown, Genesis II, p. 639.

[3] *Ibid.;* Manchester MSS., H.M.C. VIII, 2, p. 31; H.M.C. IV, 1, p. 314; Va. Mag. X, p. 136.

[4] Customs Rolls 911; Brock, *op. cit.* p. 224.

[5] Cal. Col. 1574–1660, p. 18; Lefroy I, p. 722.

[6] Col. Pap. III, 32.

[7] At an early date in its history, tobacco also became the staple crop of Maryland. Calvert Papers I, pp. 163, 174, 191.

created. Thus Sir Thomas Roe, who later acquired enduring fame in India, severely criticised the Spanish methods of colonization, especially the attention paid to growing tobacco,[1] yet the chief return from his own colonizing experiment in South America was this same commodity.[2] Moreover, Robert Harcourt's settlement in Guiana likewise applied itself to producing tobacco, and it was hoped that "this commodity, so much sought after and desired, will bring as great a Benefit and Profit to the Undertakers, as ever the *Spaniards* gained by the best and richest Silver Mine." [3] Similarly in 1620, Roger North, another English colonizer in this region, brought back to England a considerable quantity of tobacco.[4] Even in so northerly a region as was New England, tobacco was grown. Before the incorporation of the Massachusetts Bay Company the scattered settlers raised this crop, and in both Connecticut [5] and New Plymouth [6] was tobacco produced.

Far more important, because on a much larger scale, was the production of tobacco in the English West Indies.

[1] Cal. Col. 1574–1660, p. 11.

[2] *Ibid.* p. 18. Tobacco was one of the chief products of the Amazon River district. See Joannes de Laet, West-Indische Verhael (Leyden, 1644); De Vries, p. 54; Purchas XVI, p. 349. *Cf.* George Edmundson, The Dutch on the Amazon, Eng. Hist. Rev. 18, p. 651.

[3] Harl. Misc. VI, p. 467. *Cf.* pp. 453, 454.

[4] Cal. Dom. 1619–1623, p. 300. *Cf.* also *ibid.* 1611–1618, p. 514.

[5] In 1640, the General Court at Hartford ordered no person to take any tobacco, but such as had been grown in the colony. Records of Conn. I, p. 53.

[6] In 1642, New Plymouth passed a law similar to that of Connecticut. It was repealed in 1643. Rec. of New Plymouth, Laws 1623–1682, p. 38. The Dutch also produced some tobacco in what is now New York. N. Y. Col. Doc. I, p. 431; III, p. 20; De Vries, p. 15.

In the settlements under the charge of the Providence Island Company, tobacco was grown from the very outset.[1] It was, however, in the islands granted in 1627 to the Earl of Carlisle, that this industry became especially important.[2] Tobacco was the first product for export produced by Barbados,[3] and in fact the island was settled by the English with this especial object in view.[4] In the Leeward Islands, also, tobacco was at the start the chief crop.[5] Throughout the entire period, until the middle of the century, tobacco

[1] Cal. Col. 1574–1660, pp. 132, 138, 150, 153, 158, 165, 167, 178.

[2] On Dec. 19, 1628, Carlisle was informed that already 100,000 weight of tobacco had been imported from his islands, besides the Earl's own, 2700 weight. Cal. Col. 1574–1660, p. 94; Cal. Dom. 1628–1629, p. 411. See *ibid.* 1625–1626, pp. 156, 574, for some importations in 1625 and 1626.

[3] Richard Ligon, A True and Exact History of the Island of Barbados (London, 1657), p. 24; De Vries, p. 82.

[4] On Oct. 15, 1627, Henry Winthrop wrote from Barbados to his father, John Winthrop: "I am here on this Island of the Weest Indyes called the Barbathes, settled for a plantatyon for to-backow." Winthrop Papers IV, pp. 180, 181. See also his letter of Aug. 22, 1627. *Ibid.* pp. 179, 180.

[5] For St. Kitts, see John Smith, Generall Historie (ed. 1907) II, p. 190; for Antigua, see Bryan Edwards, West Indies II, p. 179. In 1627, considerable tobacco was imported into England from St. Kitts. In this connection the Bermuda Company wrote to the Governor, informing him of the new plantation on St. Kitts, where tobacco had been planted these two or three years past, and stating that this year a large quantity had been imported thence. They added that it was reported that this tobacco was far better than that of Virginia and of the Bermudas, and that it was as well liked as the Spanish and brought as high prices. They furthermore wrote: "We are of opinion it will utterly subuert our planting tobacco in both our plantacons by reason the goodness of that (.) Wee haue opposed but we cannot preuent this new plantacon, by reason they promise soe great matters to the state." Consequently they concluded that the Bermudas must raise other commodities. Lefroy I, p. 376. The French colony in St. Kitts also produced considerable quantities of tobacco. De Vries, p. 69.

was exported in considerable quantities from the Caribbee Islands.[1] The predominance of the crop at that time in these settlements is clearly shown by the fact that as late as 1655 tobacco was used as a standard of value in Antigua,[2] in Montserrat,[3] and in St. Kitts.[4]

The intense opposition to the use of tobacco, and its extensive cultivation in the colonies, were factors of fundamental importance in the early history of the English Empire. Without a full realization of the extent of this opposition, and of the grounds upon which it was based, it is impossible to understand the beginnings of the English colonial policy. One marked feature thereof was the persistent efforts of the government to divert the colonies to the production of other commodities. In 1624, James asserted his conviction that the colonies could not prosper if they relied upon tobacco alone and neglected other things of greater consequence.[5] Charles was of the same opinion. In 1627, he wrote to the Governor and Council of Virginia that he was much troubled that the colony produced no

[1] Cal. Dom. 1629–1631, p. 99; *ibid.* 1635, p. 22; *ibid.* 1634–1635, pp. 300, 301; *ibid.* 1637, p. 519; Cal. Col. 1574–1660, pp. 251, 266, 292, 294. Richard Ligon, who arrived in Barbados in 1647, when the sugar industry was being introduced, said that the tobacco produced in the island was "so earthy and worthlesse, as it could give them little or no return from England or elsewhere." Yet at even as late a date as this, tobacco figured prominently among the island's exports together with indigo, cotton, sugar, ginger, and fustic. Ligon, *op. cit.* pp. 24, 40.

[2] Brit. Mus., Egerton MSS. 2395, folio 58. See also Oliver, Antigua, pp. xxiii, xxiv.

[3] Brit. Mus., Egerton MSS. 2395, folios 54 *et seq.*

[4] *Ibid.* folio 70.

[5] Cal. Col. 1574–1660, p. 63.

substantial commodity and was "wholly built upon smoke, tobacco being the only means it hath produced," and enjoining them to take special care in making pitch, potashes, and other desirable products.[1] In 1631, the Privy Council instructed the West Indies, the Bermudas, and Virginia to curtail the production of tobacco, because its great abuse notoriously enervated "both body and courage." [2] In 1636, Charles complained that these colonies had chiefly planted tobacco, and instructed Virginia to raise such staples as hemp and flax.[3] The following year, he again wrote to Virginia, calling attention to the disastrous results of the colony's reliance on tobacco, and urging the production of more desirable commodities.[4] At the same time, also, he complained that the West Indies had planted tobacco to the neglect of cotton and other useful products.[5]

These insistent instructions, however, had little effect, mainly because, on the whole, tobacco proved the most remunerative crop. It was less heavy and bulky in proportion to its value than were the staple commodities, and consequently it could more readily stand the heavy freight charges to the distant European market. Moreover at the outset, tobacco commanded an abnormally high price, which

[1] Cal. Col. 1574–1660, p. 86. One of the instructions of April 19, 1626, issued by the Privy Council to Sir George Yeardley, as Governor of Virginia, reads: "That whereas y^e^ tobacco falleth every day more and more to a baser price, Wee require y^u^ to use y^e^ best endeavours to y^e^ raising of more staple comodities." Col. Entry Book LXXIX, pp. 257–264.

[2] Cal. Col. 1574–1660, pp. 124, 125.

[3] Charles I, Aug. 4, 1636. Va. Mag. IX, pp. 40, 41.

[4] Cal. Col. 1574–1660, pp. 250, 251; Va. Mag. IX, pp. 176–178.

[5] Cal. Col. 1574–1660, p. 251.

greatly stimulated this industry in the colonies, and when once established, the powerful force of inertia thwarted the efforts to introduce other products. Even the great fall in the price of tobacco, which was an inevitable result of the vast increase in supply, did not divert the colonies from this crop.

In 1619, the first Virginia Assembly, acting upon instructions from the colonizing company, fixed the price of tobacco sold in the colony at three shillings a pound for the better, and at one shilling sixpence for the inferior grade.[1] These were intended to be real prices,[2] but even at this time tobacco bought at such figures could not be sold with any profit in England. The highest price at which Virginia tobacco had ever sold in England was five shillings a pound,[3] but already in 1620 some tobacco was sold for account of the company at much lower prices, the best at two shillings tenpence, and the inferior grades at two shillings and one shilling respectively.[4] Consequently from the very beginning, the prices established by the Virginia legislature in 1619 were largely fictitious. The merchants sold their

[1] N. Y. Hist. Soc. Coll. Series II, Vol. III, pp. 343, 344, 349.

[2] The "magazine" or syndicate, which had charge of the commercial operations of the company was instructed in 1618 to sell European merchandise in the colony with a profit of 25 per cent, and to take in return tobacco at the above-mentioned prices. In 1619, the Virginia Assembly made provision for carrying out these instructions of the company. *Ibid.*

[3] Virginia Co. I, p. 291; London Co. I, p. 31.

[4] Virginia Co. I, p. 342; London Co. I, p. 59. The company refused to ratify the sale at 2*s.* 10*d.* In 1619 already, 5000 pounds of choice tobacco were sold at auction by the company for 2*s.* 11*d.* a pound. Virginia Co. I, p. 289; London Co. I, p. 34.

wares in the colony, and took in barter tobacco at these legal valuations, but they raised the prices of their merchandise in proportion as tobacco fell in value.[1] In other words, tobacco became the colony's standard of value, and tended continually to depreciate. As early as 1623, the real price of tobacco in Virginia was only about one shilling a pound,[2] and in the following year Virginia complained that their crop brought but a "mean price."[3] The low point in this decline was reached in 1630.[4] At that time the price was considerably less than the actual cost of production, and greatly alarmed both Virginia and the Bermudas.[5] The price in

[1] Similarly, the Bermuda Company fixed the price of tobacco at *2s. 6d.* These prices were, however, merely nominal. In 1625, it was stated authoritatively: "It is to be knowne & considered that of long time by agreement betweene the Companys & Collonys the Tobacco in Virginia itselfe is valued at three shillings the pound & in Sumer Islands at Two shillings & sixpence w$^{ch}$ price the Planters there refusing to abatte & the Adventurers & Merchant heere *not able* to give hath occasioned the selling of wares unto them at double the vallew by some men, they haveing there no money but paying for all in Tobacco." Col. Pap. III, 32. *Cf.* Manchester MSS. p. 37, no. 295; p. 42, no. 347; Virginia Co. I, p. 480; London Co. I, p. 124.

[2] Manchester MSS., H.M.C. VIII, 2, pp. 44, 45, no. 361; Virginia Co. II, p. 314; London Co. II, pp. 122, 123.

[3] Cal. Col. 1574–1660, p. 66.

[4] In 1638, a number of prominent Virginia planters stated that "about 9 years since was the low declension in the price of tobacco." Col. Pap. IX, 100.

[5] On May 29, 1630, Governor Harvey wrote to the Privy Council: "This yeare the Marchantes here have bought our tobacco w$^{th}$ theire comodities at less then a penny the pounde, and have not shamed to make the planters pay twelve poundes sterlinge the tunn freight home, and a tunn is fower hogsheads in boulcke, w$^{ch}$ doth containe about a thousand weight of Tobacco." Va. Mag. VII, p. 382. *Cf.* Cal. Col. 1574–1660, pp. 117, 124. In 1632, Governor Roger Wood of the Bermudas stated that "our poore Burmoodian Tobacco"

the colonies was then about twopence a pound or even somewhat less.[1] This led to a curtailment of the output which in turn caused a marked reaction in price. In 1636, Charles I stated that the decreased production in the West Indies had raised the price from twopence to eightpence or more, clear of all charges.[2]

This rapid fall in price was due primarily to the great increase in supply.[3] Thus in 1638, the Virginia burgesses

is "*2d.* worse than nothing the pound," and that tobacco goes begging for customers, and "brings vs in debt rather than supplies our necessities." Lefroy I, pp. 532, 533. Other letters, however, indicate that Wood was exaggerating.

[1] Harvey stated that the price was one penny measured in English merchandise, evidently at its original cost price in England. In 1636, Charles mentioned twopence as the low price for tobacco. Va. Mag. IX, pp. 40, 41.

[2] Va. Mag. IX, pp. 40, 41. In 1637, it was stated by Charles I that the price of tobacco had risen double or threefold what it was at the time some outstanding contracts had been made by English merchants. Va. Mag. IX, pp. 176–178. In 1634, Governor Wood of the Bermudas wrote of an offer of sixpence for a large quantity of the best tobacco, and of fourpence for the same quantity of the medium grade. Lefroy I, p. 537. In 1634, Virginia demanded sixpence for the tobacco crop. Cal. Col. 1574–1660, p. 190. In 1638, the Virginia burgesses wanted the price of tobacco fixed by law in all the colonies at twelvepence, and refused to sell their entire crop for sixpence in Virginia, and eightpence in England. Col. Pap. IX, 96 ii, 96 v, 100. These facts directly traverse a statement made in 1638 by some prominent Virginia planters to the effect that, during the preceding eight years, Virginia had received for its tobacco on an average less than twopence, and that the wholesale prices in England had ranged from sixpence to tenpence a pound. Col. Pap. IX, 100, 105. Furthermore, the records of the Providence Island Company show that their tobacco was sold in England in 1633 for 13*d.* to 16*d.* This tobacco, it should be noted, paid *2d.* more in duties than did the Virginia product. Cal. Col. 1574–1660, p. 166.

[3] This was the opinion of the Massachusetts Bay Company as expressed in its letter of April 17, 1629. Rec. of Mass. I, pp. 394, 395; Hazard I, p. 258.

admitted "that their weake and mean estate" was "occasioned partly through vast quantityes of tobaccoes by us here made." [1] Moreover, the violent fluctuations in price made conditions precarious and naturally aroused considerable dissatisfaction. In 1638, some prominent Virginia planters favored diverting the colony from "that bewitched commodity of Tobacco," in order to further "the profit and advancement of the plantation." [2] Consequently the English government's policy of discouraging the production of tobacco was not opposed by the colonies,[3] but in nearly all of them steps were taken to limit the output. Virginia passed a number of laws, both with this object in view, and also to improve the quality of her staple product. In 1629, each person was limited to the cultivation of three thousand plants,[4] and in 1630, this number was reduced to two thousand.[5] In 1631 and 1632, other legislation was enacted with the object of improving the quality of the crop.[6] In 1633, the quantity each person

[1] Col. Pap. IX, 96 ii, and 96 v.

[2] Col. Pap. IX, 100.

[3] In 1624, the Governor and legislature of Virginia petitioned the King for the monopoly of importing tobacco into England, "not as an end to affect that contemptible weed, but as a present means to set up staple commodities." Cal. Col. 1574–1660, p. 66.

[4] Hening I, pp. 141, 142. 1629, ch. 5.

[5] *Ibid.* p. 152. 1629–1630, ch. 7. *Cf. ibid.* p. 190. For Harvey's despatch on this law, see Cal. Col. 1574–1660, p. 117.

[6] Hening I, pp. 164, 165. 1631–1632, chs. 21, 22, 23, 24, 25, 26. In 1632, these laws were revised and embodied in a comprehensive statute. *Ibid.* pp. 188–190. 1632, ch. 20. This legislation was naturally based upon the instructions from England. On Jan. 7, 1631, the Privy Council wrote to Governor Harvey that the King was expecting some better fruit from the colonies than smoke,

was allowed to cultivate was further reduced to fifteen hundred plants, and at the same time, provision was made for inspecting the tobacco crops and for burning the inferior portion thereof.[1] This law had unforeseen results, in that it tended further to deteriorate the quality of the Virginia crop. On account of the restriction, the colonists tried to get as much tobacco as was possible from each plant, and cultivated virgin land where tobacco grew most luxuriantly, each plant containing more leaves, though of poorer quality, than did those raised on soil that had been tilled for a number of years.[2] As a result, in 1640, Virginia passed a law which stated that tobacco being so low in price, "by reason of excessive quantities made," that the planters cannot subsist by it, nor raise more staple commodities, nor pay their

and instructed him to consider what quantity of tobacco was necessary for the support of the colony next year, to rate each planter accordingly, and not to suffer more to be exported. Va. Mag. VII, pp. 385, 386; Cal. Col. 1574–1660, p. 125.

[1] Hening I, pp. 203–207. 1632–1633, ch. 1. Five warehouses were established, where all tobacco had to be brought for inspection. This number was shortly thereafter increased to seven. *Ibid.* pp. 209–213. 1633, ch. 1.

[2] In 1638, a number of prominent Virginia planters said that "to our knowledge old grounds beare better tobacco though not soe much in quantity," and that "the Tobacco cominge yearly from thence is for the most part extreame bad, and soe is like to continue as the course of that Trade now is." Col. Pap. IX, 100. In addition, the Virginia burgesses stated at the same time that "for some fewe yeares past the restraynt and limitacon hath bene very ꝑjudiciall to the goodnes of most Tobaccoes in the Colony by the gatheringe of leaves neere the ground wantinge substance and of an earthie sent and tast and the makeinge of second croppes. The planters for theire present subsistance striveinge to make the most tobacco of soe manie plants ꝑ poll although they have thereby hazarded the spoyleinge of their whole cropps." Col. Pap. IX, 96 iv.

debts, and which therefore provided that the tobacco of the current year was to be inspected by sworn receivers, and the unmerchantable part as well as one-half of the good was to be burned, so that the whole quantity produced might amount to one million five hundred thousand pounds.[1] This legislation was unquestionably drastic, but even under it the Virginia crop would have been seventy-five times as large as it was in 1617. This fact, taken in connection with the fresh sources of supply created elsewhere since that date, is amply sufficient to explain the extraordinarily rapid decline in the price of tobacco.

Similar measures were adopted by the other colonies. To the action of the Massachusetts Bay Company reference has already been made.[2] In 1640, Maryland passed a law that all tobacco was to be examined by sworn inspectors, and that the undesirable part was to be burned.[3] In 1620, the first year of its existence,[4] the Bermuda Assembly provided for the inspection of all tobacco, and for the burning of all "rotten trash and unvendible ware." [5] In accordance

[1] Hening I, pp. 224, 225. Jan., 1639–1640, ch. 1. *Cf.* also Va. Mag. V, pp. 119, 123, 274, 277. Further provision was made for reducing the output of the two following years to 1,300,000 pounds. In connection with this law, Governor Wyatt wrote to England: "Though the physic seems sharp yet I hope it will bring the body of the colony to a sounder constitution of health than ever it enjoyed before." Va. Mag. XIII, pp. 381, 382; Cal. Col. 1574–1660, p. 310. This action was based on instructions from England and was designed to raise the price of tobacco. See Berkeley's instructions of 1641, in Greene, Provincial Governor, p. 224.

[2] See *ante*, pp. 82, 83.

[3] Archives of Maryland, General Assembly 1638–1664, pp. 97–99. *Cf.* Council Register XVII, Part II, p. 680.

[4] Lefroy I, p. 165.

[5] Lefroy I, p. 168. 1620, act. IV. *Cf.* pp. 225, 226.

with this law, "tasters and tryers" were appointed to destroy all unmerchantable tobacco.[1] In 1626, steps were also taken to restrain the excessive planting of this commodity.[2]

In the West Indies likewise, a similar course was pursued. In 1631, the Providence Island Company prohibited the cultivation of "that scurvy weed tobacco" to the neglect of staple products.[3] Again in 1634, the company sent instructions to restrain the planting of that "uncertain commodity."[4] The orders were, however, not fully carried out. In this very year it was reported that the fields in Providence were full of tobacco,[5] and during the entire period of English control this product was regularly exported from the colony.[6] The island was, however, small, and its exports were commercially insignificant.[7]

In the more important islands of the Caribbean, which had been granted to the Earl of Carlisle, attempts were also

[1] *Ibid.* p. 399. In 1625, the company complained that this law was not well executed. *Ibid.* I, p. 358.

[2] *Ibid.* I, pp. 378, 379. No tobacco was to be gathered after Oct. 20. In 1630, Governor Roger Wood issued a proclamation enjoining obedience to this regulation, and to that of 1620. *Ibid.* I, pp. 507–509. *Cf.* pp. 510, 511. In 1631, the Privy Council instructed the Bermuda Company to restrict the quantity of tobacco grown in the islands. *Ibid.* I, p. 521. As a result of these instructions, an attempt was made to produce castor oil. See *ibid.* pp. 533, 536, 538.

[3] Cal. Col. 1574–1660, pp. 126, 127.

[4] *Ibid.* pp. 185, 186. *Cf.* p. 202. Similar instructions were sent in 1639. *Ibid.* p. 295.

[5] *Ibid.* p. 194.

[6] *Ibid.* pp. 225, 254, 271. See also an account of tobacco shipped in *The Happy Return* at the Isle of Providence in 1637. H.M.C. XII, 9, p. 177.

[7] Cal. Col. 1574–1660, p. 254. In 1633, it was also pointed out that "even if tobacco were as vendible as ever, the quantities from here would never cloy the market." H.M.C. X, 6, p. 85.

made to lessen the output of tobacco. In 1636, Charles wrote to the Virginia authorities that the excessive quantity of tobacco produced in all the colonies had made it of little value, and that he understood that the inhabitants of Nevis, St. Christopher, and Barbados were beginning to cultivate cotton.[1] The following year Charles again wrote to Virginia, complaining of the exclusive devotion to tobacco, whereas the West Indies had already begun to raise cotton and other useful commodities, and had "intermitted for some years" the planting of tobacco.[2] At the same time, however, Charles complained to those representing the proprietary interest in these islands that the inhabitants of St. Christopher, Barbados, and the other Caribbee Islands, had planted mostly tobacco to the neglect of cotton and other useful commodities, "which they had begun." Large quantities of tobacco still continued to be produced in these islands,[3] and in 1639, renewed attempts were made to curtail the size of the crops.[4]

At this time Charles I appointed Henry Hawley to treat with the inhabitants of Barbados and of the other colonies about moderating the output of tobacco and regulating its price.[5] In this year, also, the French and English authorities on the island of St. Christopher signed a decree ordering the destruction of all growing tobacco and forbidding the further planting thereof for eighteen months.[6] It is thus

[1] Va. Mag. IX, pp. 40, 41.
[2] *Ibid.* IX, pp. 176–178; Cal. Col. 1574–1660, pp. 250, 251.
[3] Cal. Col. 1574–1660, p. 266.
[4] *Ibid.* p. 292.
[5] Rymer XX, pp. 357–359; Cal. Col. 1574–1660, p. 292, nos. 16, 17.
[6] Oliver, Antigua I, p. xix. *Cf.* Cal. Col. 1574–1660, pp. 294, 295.

evident that the efforts of the English government, though assisted by the colonial authorities, were of little avail, and that until the outbreak of the Civil War tobacco remained predominantly the chief commodity exported from the colonies.[1]

From the foregoing facts it is apparent, that there existed in England a deeply rooted aversion to tobacco, which was in many respects closely similar to the modern attitude toward opium. This led to persistent efforts to divert the colonies from the production of tobacco. Yet until the middle of the century, it remained the chief colonial crop. These two facts were of cardinal importance in the economic history of the Empire, and were clearly reflected in English colonial policy. In addition to the general policy of admonition and protest, the English government adopted a number of specific measures, whose avowed object was to lessen the consumption of tobacco in England, and to divert the colonies from the production of what was deemed an obnoxious commodity.

[1] In 1636, Jerome Hawley sent to Secretary Windebank a memorial on tobacco, which he had already submitted to Lord Goring, who evidently approved of it. Therein he advised that as "The Cariby Islands and the Bermudas have not only a ꝑpetuall sum̄er, whereby they are enabled to plant twice as much as those in Virginia; but allso are posest of other staple and good comoditys, whereby the inhabitants are very well able to subsist yf no tobacco were theyre planted; That those Islands & places plant no Tobacco and take in hand Hemp, flax, wines & other good and staple com̄oditys wich course will not only advance the price of tobacco & consequently his M$^{tes}$ Customes but it wilbe capable of a greater custome then it now is, and will make those several places florish in other Comoditys as sugars & cottons in the Islands. Hempe, fflax & wyne in Virginea, the w$^{ch}$ will allso bring a Custome to his M$^{te}$." Col. Pap. IX, 18 and 18 i.

# CHAPTER V

## THE ENGLISH FISCAL SYSTEM AND THE COLONIES 1604–1620

From the very earliest days of the British Empire, it was clearly understood that the dependencies were to be outside the barriers of the English fiscal system, and that merchandise exported to the colonies or imported from them should pay customs duties. The prospective increase in this revenue, as a result of colonization, was used by Hakluyt in 1584 as an argument in favor of a policy of expansion,[1] and in all the colonial charters it was distinctly specified that duties were to be levied on this trade. As a result, the economic development of the colonies was in varying degrees influenced by the English customs tariffs. These duties constituted an integral part of the old colonial system, and it is only through a knowledge of their influence that the effect of the laws of the trade and navigation can to any accurate degree be estimated.

The import duties were especially important in connection with the policy of restricting the colonial export trade to the mother country. For unless the duties collected in England were refunded on reëxportation of the colonial products, they would constitute virtually a direct tax on that surplus

[1] Hakluyt, Discourse, pp. 86–88.

portion not consumed in the mother country.[1] Moreover, the duties collected on that part of the colonial produce consumed in England also affected the well-being of the colonies, but not exactly in the manner conceived at the time. According to the crude views of the day, it was generally held that the producer paid these taxes, although in reality they were in the main shifted to the consumer.[2] But at the same time it is obvious, that if these duties were sufficiently high to curtail consumption in England, they would correspondingly lower the price of the colonial product and thus virtually become an indirect tax on the planter. Similarly, the English export duties unquestionably to some extent enhanced the price of the supplies bought by the colonies, and were especially important in connection with the policy of excluding foreigners from the colonial trade. Finally, such a system of import duties also lent itself readily to a scheme of giving to colonial products preferential treatment in the English markets, which on an extended scale constituted at a later date a characteristic feature of the old colonial system. But already under the first Stuarts, the prosperity of the colonies was in manifold ways affected by the English fiscal system, especially by the import duties.

At the time of the founding of Virginia, the English customs revenue was not large, its great development dating from this period, as a result both of the expansion of trade

[1] It is doubtful if any but a very inconsiderable proportion of such duties could be shifted to the foreign consumer.

[2] Governor Harvey of Virginia was one of the few men who realized this. See his despatch of Feb. 20, 1633. Va. Mag. VIII, pp. 147, 148.

and of the policy of the government.[1] In 1604, the customs revenue was £127,000, in 1613 £148,000, and in 1625 about £190,000.[2] This revenue was derived from import and export duties [3] which, apart from specific duties on certain articles, such as wool and wine, amounted to five per cent of the value of the commodities as somewhat arbitrarily determined in the book of rates.[4]

In 1604, these duties, technically known as tonnage and poundage, were granted by Parliament for life to James I.[5] Popularly these parliamentary taxes were referred to as the subsidy or custom. In addition thereto, the Stuarts claimed the right to levy, on their own authority, further duties called imposts.[6] Their action was based on precedents of the two

[1] For details of the growth of this revenue see Hubert Hall, Custom-Revenue I, p. 184; II, p. 246; Stephen Dowell, History of Taxation and Taxes in England I, pp. 183, 189, 190, 193; II, pp. 34, 128. *Cf.* also Somers Tracts II, vol. 2, p. 148; H.M.C. VII, 1, p. 251[b].

[2] Parl. Hist. I, p. 1507.

[3] In 1613, the export duties amounted to £86,795, the import duties to £61,280. *Ibid.* and Misselden, The Circle of Commerce (London, 1623), pp. 120–122. In the year beginning Christmas 1621, the export duties amounted to £77,163 and the import duties to £87,859. Misselden, *op. cit.* pp. 127–129.

[4] In addition to the tonnage and poundage, there were also some minor customary duties dating from former times, of which the most important was a small surtax on merchandise imported by aliens. Malynes, Consuetudo, vel, Lex Mercatoria, or the Ancient Law Merchant (3d ed. 1686), p. 139. *Cf.* W. R. Anson, The Law and Custom of the Constitution, The Crown, Part II (2d ed. 1896), pp. 305–308; Parl. Debates 1610 (Camden Society, 1862, ed. S. R. Gardiner), pp. xix, xx.

[5] 1 Jac. I, c. 33; Parl. Hist. I, pp. 1045, 1046; Lords Journal II, pp. 320[b], 326[b]. According to custom these duties were farmed. H.M.C. XII, 1, p. 58; Cal. Dom. 1603–1610, p. 339.

[6] For some details regarding these imposts, see Misselden, The Circle of

preceding reigns,[1] but its legality was now challenged by Parliament. The constitutional conflicts of the age turned largely on the right of the Crown to impose such taxes. In 1606, in consequence of opposition to the payment of a royal impost on currants,[2] the question came up for judicial determination. The Court of Exchequer decided in favor of the Crown, "and the doctrine, that the King was entitled by his sole prerogative to levy impositions upon imports and exports, was declared to be in accordance with the law of the land." [3] As a result of this decision, James I became the arbiter of the amount of duties to be collected. In 1608, he levied on imports and exports (certain specified commodities excepted) an impost equal to the five per cent subsidy granted by Parliament, and at the same time he issued a new book of rates, which, by changing the fixed value of the commodities upon which these duties were to be collected, virtually constituted a new tariff.[4] Two years later, in response to some complaints, James again revised the existing tariff, leaving intact, however, the five per cent duties payable for subsidy and for impost.[5]

This system was continued in the following reign. On

Commerce (London, 1623), pp. 121, 122, 127–129; Parl. Debates 1610, pp. xix, xx.

[1] Parl. Debates 1610, p. xvi.

[2] Cal. Dom. 1603–1610, pp. 51, 72, 79, 136, 161, 165, 168, 169, 208, 211, 219, 228, 306, 311, 498.

[3] Gardiner, History of England II, p. 6. *Cf.* Parl. Debates 1610, pp. xii, xvii.

[4] Patent Rolls, 6 Jac. I, July 28, 1608; Parl. Debates 1610, p. 155; Malynes, Consuetudo, p. 139.

[5] Patent Rolls, 8 Jac. I, Part 30, m. 6.

the accession of Charles I in 1625, Parliament refused to grant the tonnage and poundage duties for life,[1] and consequently these taxes, as well as the imposts, were collected solely in virtue of the Crown's prerogative. When, however, the Long Parliament met, the Crown was forced to abandon this position, and in 1641 Charles I gave his consent to a tonnage and poundage bill, which recognized Parliament's exclusive authority to levy customs duties.[2] But during the entire preceding period, from 1606 until the outbreak of the Civil War, the Crown was virtually the sole judge of the amount of duties that should be levied on colonial products.

The charters, which gave the government's sanction to the various colonial enterprises, always stated distinctly that the proposed settlement was to be outside England's fiscal bulwarks, and that commodities imported thence into England, or exported to the colony, would have to pay customs duties. But it was not intended to treat the colony in exactly the same manner as a foreign country. Parliamentary statutes and royal proclamations prohibited the exportation from England of a number of commodities.[3] Some of these were essential to the development of new settlements,[4] and accordingly, it was customary to insert in the

[1] Parl. Hist. II, p. 6.

[2] 16 Ch. I. c. 8 (Rot. Parl. 16 Car. I, p. 2 m. 4, ch. viii).

[3] *Cf.* Charles Carkesse, Act of Tonnage and Poundage (London, 1726), pp. 765 *et seq.*

[4] Toward the end of James's reign it was provided that wheat, rye, barley, *etc.*, could be exported if their price was not in excess of certain stipulated figures. 21 Jac. I, c. 28. Charles I reverted to the policy of the Tudors, and

letters patent a clause, permitting the exportation of such articles.[1] The Virginia charter of 1606 permitted the shipment from England of all commodities necessary for the proposed colonies.[2] Similarly the New England charter of 1620 allowed the patentees to export weapons, victuals, clothing, utensils, furniture, cattle, horses, and "all other things necessary for y^e^ s^d^ plantacõn, & for their use & defense & for trade w^th^ the people there."[3] Provisions to the same effect were inserted in the other charters.[4]

in 1630 issued a proclamation forbidding the exportation of corn and grain. Rymer XIX, p. 169. At that time, a number of the colonies relied upon getting such provisions from England, and disastrous results would have followed from the application of this regulation to them. Cal. Dom. 1629–1631, pp. 265, 266, 384; Oliver, Antigua I, p. xiii. In 1637, the customs authorities refused to permit the shipment of some provisions to Virginia as had been customary, "in regard the Pattent for the said Plantacõn is called in," but the Privy Council issued an order allowing the privileges granted in the charter. Council Register XIII, p. 301.

[1] Gilbert's charter of 1578 permitted the adventurers to ship from England and Ireland all of their goods "with such other necessaries and commodities of any our Realmes," as shall seem fitting to the Lord Treasurer or any four of the Privy Council, "any act, statute, lawe, or other thing to the contrary in any wise notwithstanding." Hakluyt VIII, p. 22. The same clause appeared in Raleigh's charter of 1584. *Ibid.* VIII, pp. 289–296.

[2] Poore, p. 1891.

[3] Col. Entry Book LIX, pp. 1–28; Poore, pp. 926, 927.

[4] Virtually the same clause is in the Bermuda charter of 1615 (Col. Entry Book XVII, pp. 1–46); in Calvert's Avalon grant of 1623 (Col. Pap. II, 23; S.P. Dom. Jac. I, Warrant Book XV, no. 3, March 30, 1623); in the Newfoundland charter of 1637 (Col. Pap. IX, 76; Col. Entry Book LXV, pp. 11–27); in the Massachusetts charter of 1629 (Poore, p. 938); in Carlisle's West India grant of 1627 (Col. Entry Book V, pp. 1–12); in Montgomery's West India patent of 1628 (S.P. Dom. Ch. I, Warrant Book 25, no. 22; Ch. I, Docquets XIV, Feb. 19, 1628); in the Providence Island Company charter of 1630 (Col. Entry Book IV, pp. 1–10); in the letters patent of 1633 to Thomas

In addition, in order to stimulate the development of the colonies, it was usual to exempt merchandise exported to them or imported thence from the payment of all customs duties during a limited period.[1] Furthermore, as a rule, it was stipulated that the patentees should be exempted either in perpetuity or for a considerable period from the payment of duties in excess of the customary subsidy of five per cent upon all merchandise exported by them to the colony or imported by them thence.[2] The chief exception to this policy was Lord Baltimore's Maryland charter of 1632, which carefully provided that the English duties should be

Young (Patent Rolls, 9 Ch. I, Part I, no. 6; Rymer XIX, pp. 472–474); in Heath's Carolana patent of 1629 (Col. Rec. of No. Ca. I, p. 10); in the Maine patent of 1639 (Poore, p. 781).

[1] In the Virginia charter of 1609 and 1612, this period was seven years. Poore, pp. 1900, 1906. The same period of exemption was granted in the Newfoundland charter of 1610, in the Bermuda charter of 1615, in the New England patent of 1620, in the Massachusetts charter of 1629, in the Guiana patent of 1627. These privileges were not granted to the colony, but to the patentees. Similar privileges were granted by the charter of 1600 to the East India Company. W. W. Hunter, History of British India I, p. 252.

[2] This clause was in the Virginia charter of 1609, in the Newfoundland charter of 1610, in the Bermuda charter of 1615. In the New England charter of 1620 and in the Massachusetts charter of 1629 this exemption was limited to twenty-one years. In the Guiana patent of 1627 this period was only ten years. Baltimore's Avalon grant of 1623 and the West India patents of 1627 and 1628 exempted merchandise exported to the colonies from all duties, provided license were first obtained from the proper authorities, and also exempted for ten years merchandise imported thence. For some details regarding the insertion of this clause in the patent of the New England Council in 1620, see N. Y. Col. Doc. III, pp. 2–4; Gorges, A Briefe Narration, pp. 32, 33. The decision to limit in this case the period of exemption from the payment of imposts to twenty-one years was directly connected with the disputes of 1619 about the tobacco duties. See *post*, pp. 110–113.

levied on merchandise imported from or exported to the proposed colony.[1] These exemptions were naturally of great assistance in furthering the work of colonization. In view of the urgent necessity for an increased revenue, they indicate on the part of the first two Stuarts considerable interest in the work of colonial expansion.

During the first decades of the Empire's life, tobacco was practically the only commodity of commercial significance that was imported into England from the colonies. The duty imposed thereon by the parliamentary tonnage and poundage grant of 1604 at the time amounted to only twopence a pound.[2] In the same year, however, James ordered the collection of an exceedingly high impost on tobacco, with the avowed purpose of checking the importation of what, in his opinion, was a most obnoxious drug.[3] This impost amounted to six shillings eightpence a pound, which was more than the commodity could stand. In accordance with the prevailing custom these tobacco duties were farmed.[4] The patentees, however, complained that the impost was far in excess of the value of most of the tobacco imported, and that therefore they were unable to pay the rent agreed upon.

[1] Mereness, Maryland, appendix, pp. 514, 516. Heath's Carolina patent of 1629, and Gorges's Maine patent of 1639 also contained no clauses of exemption. Col. Rec. of No. Ca. I, pp. 10, 12; Poore, p. 779.

[2] Rymer XVI, pp. 601, 602.

[3] Tobacco is "excessivelie taken by a number of ryotous and disordered Persons of meane and base Condition, whoe, contrarie to the use which Persons of good Callinge and Quality make thereof, doe spend most of there tyme in that idle Vanitie, to the evill example and corrupting of others."

[4] Oct. 19, 1604, demise to T. Lane and P. Bold of the new impost of 6*s.* 8*d.* and the old custom of 2*d.* a pound on tobacco. Cal. Dom. 1603–1610, p. 159.

They asserted that they could not collect this duty, as many importers preferred to abandon their goods rather than pay it, and prayed, either that the impost be lowered, or that they be allowed to surrender their farm.[1] Accordingly in 1608 this impost was reduced to one shilling a pound.[2] In 1615, however, an additional duty of sixpence was imposed on tobacco.[3] In the meanwhile also, in consequence of a changed valuation of tobacco in the book of rates, the five per cent subsidy, which in 1604 amounted to only twopence, had been raised to sixpence.[4] Thus at this time, when the colonial tobacco industry was becoming commercially important, the duties on tobacco amounted to two shillings a pound.

Although at an early date in their history tobacco was planted in the colonies, yet up to 1618 only insignificant quantities were produced for exportation. In 1615–1616 only 2300 pounds were imported into London from Virginia, but in the following year the amount had risen to 19,388 pounds. On the other hand the importations of foreign tobacco during these two years were 52,673 and 50,906

[1] Col. Pap. III, 22. This document is undated, but is unquestionably prior to 1608. In 1607, one John Eldred refused to pay the tobacco impost. Cal. Dom. 1603–1610, p. 393. As this case is referred to in the above document, the date thereof was probably 1607. Both Sainsbury and Kingsbury have erroneously placed it among the records for 1624. Cal. Col. 1574–1660, p. 68; Virginia Co. I, p. 196, no. 691.

[2] Patent Rolls, 6 Jac. I, July 28, 1608; Customs Rolls 912–915. According to Gardiner there was also a reduction in the farm thereof from £2000 to £400. Parl. Debates 1610, p. xviii.

[3] Customs Rolls 911–915, 667, 668.

[4] Sixpence for roll, and fourpence for leaf tobacco. Warrant Book 32, Privy Seal of March 1, 1631.

pounds, respectively.[1] In 1618, however, the imports from Virginia equalled those from foreign countries,[2] and in the following years far surpassed them.[3]

By their charters the Virginia and the Bermuda Companies were exempted from the payment of all customs duties for seven years, and in perpetuity from import duties in excess of the customary subsidy of five per cent. Consequently the development of the colonial industry threatened seriously to diminish the Crown's revenue, since this tobacco would pay a duty of only sixpence as opposed to the two shillings imposed upon the foreign product. Furthermore, as a direct result of these provisions in their charters, not in consequence of the policy of the government, the colonies would automatically enjoy preferential treatment in the English market, and the development of this colonial industry would be stimulated. Neither of these results commended itself to the English government. James could not afford any diminution of his revenue, nor was he anxious to encourage the growth in the colonies of what was deemed to be an extremely undesirable industry.

During the seven years of exemption, no duties were col-

[1] Customs Rolls 911. In addition from June 24, 1615, to Aug. 9, 1617, there were imported into the outports 4269 pounds, of which 600 came from Virginia. Naturally these official figures do not include the quantity smuggled.

[2] In the 157 days ending Sept. 29, 1618, 41,728 pounds of colonial, and 42,871 pounds of foreign tobacco were imported. Customs Rolls 912.

[3] In the year beginning Sept. 29, 1621, 61,637 pounds of Virginia and Bermuda tobacco were imported. In the two following years, 1622–1623 and 1623–1624, these imports had risen to 134,607 and 202,962 pounds. In contradistinction, during these two latter years the foreign imports were respectively only 66,877 and 63,497 pounds. Customs Rolls 913, 914, 915.

lected on tobacco imported from Virginia,[1] but in 1619 this period expired, while that of the Bermuda Company had still about three years to run.[2] Virginia tobacco accordingly should then have paid only the subsidy of five per cent, while that from the Bermudas should have been duty-free. But in 1619, not only did the farmers of the customs collect the five per cent subsidy on Virginia tobacco amounting to sixpence a pound, but the farmer of the tobacco impost demanded an additional sixpence. Tobacco from the Bermudas was similarly treated.[3] On the Virginia Company petitioning against this action,[4] the Attorney General decided in favor of its exemption from the impost, and the Privy Council ordered the release of the tobacco

[1] Customs Rolls 911, 912. The farmers of the customs were naturally allowed to deduct from the rent paid by them so much as the duties on these importations from Virginia would have amounted to. For some details about these allowances, technically known as "defalcations," see H.M.C. VII, 1, p. 251[b]; Cal. Dom. 1619–1623, pp. 236, 239. During these years exports from England to Virginia were likewise exempted from the payment of duties. Cal. Col. 1574–1660, p. 8; Cal. Dom. 1603–1610, p. 508; *ibid.* 1619–1623, p. 236. On Dec. 4, 1617, an order of the Privy Council was issued, rejecting a petition for an extension of Virginia's seven-year period of exemption. Chalmers MSS., Virginia Papers, vol. I, p. 20 (Lenox Library).

[2] Virginia Co. I, pp. 281 *et seq.*; London Co. I, pp. 30–32.

[3] A shilling a pound was also demanded on the Bermuda tobacco in flagrant violation of the charter. In 1618, the office of collecting the tobacco impost was granted for life to Abraham and John Jacob. Cal. Dom. 1611–1618, p. 535; Customs Rolls 912. This grant was renewed in 1620. Cal. Dom. 1619–1623, p. 179. *Cf. ibid.* pp. 27, 175.

[4] In the book of rates all tobacco was indiscriminately valued at 10*s.* a pound, and consequently the subsidy thereon was 6*d.* The company claimed that this was unjust, as Spanish tobacco was worth much more than the Virginia product. Virginia Co. I, pp. 281 *et seq.*; London Co. I, pp. 30–32.

detained by the customs authorities for payment of this duty.[1]

This order did not, however, settle the matter. Despite the opinion of the Attorney General, the legal position of the companies was by no means secure, for as Lord Treasurer Middlesex told Sir Edwin Sandys in 1622: "The Lawyers say it (tobacco) is a poisonous drug, which the King might justifie to banish or burn, and not to be accounted as a staple or national commodity, in which case it was in the King's power to do his pleasure in any sort concerning the same." [2] Furthermore, in the existing struggle with Parliament, James could ill afford the curtailment in revenue that would inevitably result were colonial tobacco paying only a duty of sixpence to replace the Spanish-American product that paid customs of four times this amount. Accordingly, the government offered to prohibit the growing of tobacco in England, provided in return the Virginia Company would agree to pay duties of one shilling a pound. On January 8, 1620, the Company agreed to accept this proposal,[3] and ac-

[1] Virginia Co. I, pp. 245, 248, 276, 277, 281, and p. 136, no. 137; London Co. I, pp. 13, 26, 27, 29.

[2] Brown, First Republic, p. 483.

[3] Virginia Co. I, pp. 290–292; II, p. 68; London Co. I, pp. 34–36, 205. The company claimed that the duty should legally not have exceeded 3*d.* as their tobacco was worth only 5*s.* The 12*d.* was to be paid only so long as the growing of tobacco in England was prohibited. At the meeting of the council of the Virginia Company on Nov. 3, 1619, a motion was made that, as the planting of tobacco in England "would be the destruc̃on of the Plantation . . . the Company might be humble suit$^{rs}$ for an inhibic̃on thereof." "But this was conceaued might be a scandall for Virginia, as that it could not subsist w$^{th}$ out that weed. . . . And therefore it was thought better by the Counsell, forasmuch as the ffarmers of Impost had it on foote allready that they proceed,

cordingly by proclamation James inhibited the planting of tobacco in England.[1] The agreement was distinctly in the nature of a bargain: on the one hand, the King safeguarded his revenue; on the other, the company freed itself from the competition of home-grown tobacco. The interests of the English consumer were to some extent considered, for in James's opinion, founded upon an expert report,[2] English tobacco was more unwholesome than that grown in warmer climates.[3] The interests of the English farmer were, however, totally ignored. That tobacco was comparatively extensively grown in England at this time, is made manifest by the willingness of the Virginia Company to pay the increased duties, and also by the difficulties encountered in enforcing the prohibition.[4] Thus partly in order to protect the revenue, but partly also in order to encourage the colonies, a fairly well-established English industry was completely interdicted.[5]

and the Company as they see occasion to assist them." Virginia Co. I, p. 258.

[1] The proclamation was dated Dec. 30, 1619, but it was kept in abeyance pending the decision of the company. References as in note 3, p. 112, and Cal. Col. 1675–1676, p. 58; Cal. Dom. 1619–1623, p. 107. The proclamation of June 29, 1620, confirmed the previous one. Rymer XVII, pp. 233–235.

[2] In 1619, the College of Physicians certified that tobacco grown in England and Ireland was much more unwholesome than that imported from countries where it grew naturally. Cal. Dom. 1619–1623, p. 107. In 1628, a similar report was made by the same body. H.M.C. VIII, 1, p. 228[a].

[3] Cal. Col. 1675–1676, p. 58.

[4] Virginia Co. I, pp. 321, 328; London Co. I, pp. 49, 51. *Cf.* Cal. Dom. 1619–1623, p. 149; *ibid.* 1623–1625, p. 562.

[5] The proclamation of Dec. 30, 1619, distinctly stated as one of the causes of this policy, that Virginia and the Bermudas received much comfort by the importation of tobacco into England.

This agreement of 1620 is of great significance, for it is the first instance of a policy that later became a characteristic feature of the English colonial system; namely, of giving colonial products a monopoly of the English markets. The prohibition of growing tobacco in England, and the discriminating duties on foreign tobacco, would not, however, give the colonial product exclusive control of the mother country's market. Although foreign tobacco paid double duties, it was in such demand that these were to a great extent ineffective in checking its importation. At this time, however, other steps were taken with this end in view. The motive thereof was not primarily to benefit the colonies, but to abolish an import trade which, judged by the standards of mercantilism, was extremely disadvantageous. The importation of Spanish tobacco, it was claimed, diminished England's stock of the precious metals, and consequently the national wealth.[1]

In 1621, this matter came up before Parliament in connection with an investigation of the prevailing scarcity of coin. The committee in charge of the subject reported that "the Importation of *Spanish* Tobacco is One Cause of the Want of Money,"[2] and the House of

[1] At this time Edward Bennett wrote a treatise, which claimed that the importation of Spanish tobacco was the chief cause of the scarcity of coin and bullion in England, £60,000 being spent yearly in its purchase. He suggested the prohibition of Spanish tobacco, and that only the product of Virginia and the Bermudas be permitted in England. Cal. Dom. 1619–1623, p. 477. On April 12, 1621, Bennett, in reward for this treatise, and for his frequent attendance at the House of Commons in support of this policy, was made "a free member" of the Virginia Company. Virginia Co. I, p. 446; London Co. I, p. 110.

[2] Commons Journal I, p. 552.

Commons unanimously accepted this conclusion. At the same time another committee in part attributed the decay of English trade to the same cause. In this latter report, Sir Edwin Sandys, a leading member of the progressive party in Parliament and the guiding spirit of the Virginia Company, maintained that this trade depleted England's stock of bullion, and that consequently it should be prohibited, especially as the colonies were rapidly improving the quality of their tobacco and could supply England.[1] During the course of the ensuing debate, it was proposed that the importation of all tobacco be prohibited. This radical suggestion was well received. It was contended that the consumption of tobacco led to "the Spoiling of the Subjects Manners," that "Thousands have died of this vile Weed," and that it was "a great Hurt to all the State of our Kingdom." The sentiment of the house was to a preponderant

[1] *Ibid.* p. 579; Parl. Hist. I, pp. 1195–1197. Sandys said that formerly Spain sent yearly £100,000 in bullion to England, but that now only tobacco is imported thence, while in payment thereof England exports, in addition to her manufactures, about £20,000 in coin. He thus figured that this tobacco trade resulted in a yearly decrease of £120,000 in England's stock of bullion. As a remedy he suggested that tobacco be supplied by the colonies, saying: "It will be a double profit to us to divert the bringing in of tobacco out of Spain, and to cause it to be brought out of Virginia and the Summer Islands; for thereby we shall enrich those countries under our dominion, and also England shall be better stored with money, when we will not take our return for our merchandise in tobacco (*i.e.* from Spain), but in coin or bullion, as we were wont to do." This argument was strictly in conformity with the tenets of mercantilism and even appealed to so inveterate an opponent of tobacco as was William Vaughan. In 1626, he urged those interested in colonization to save their country "that wastfull expence of Tobacco which yearly would be exported out of their Country," by planting tobacco in the English dependencies. Vaughan, The Golden Fleece (London, 1626) III, p. 58.

extent in favor of this policy; even those personally interested in the colonies merely asked that colonial tobacco be excepted for some time, as otherwise Virginia and the Bermudas would be destroyed.[1] It was only out of consideration for the colonies that action was not taken to debar all tobacco,[2] and that the House of Commons merely passed a bill prohibiting only the importation of Spanish tobacco.[3] As the House of Lords failed to concur,[4] this had no immediate consequences. But this action could not definitely dispose of a measure that was so conspicuously a logical outcome of the prevailing economic ideas. The fundamental theory that was used to justify a policy of expansion was that the colonies should furnish England with supplies hitherto obtained from aliens. Consequently the exclusion of foreign tobacco was patently a most advantageous measure, and was subsequently adopted by James I in connection with the policy of regulating the tobacco industry by means of monopolies.

[1] Commons Journal I, p. 581. Mr. Smyth said he "hath his Interest in Virginia and Summer Islands. The Company restraineth it by all Means it can. To give it some Time; else we overthrow the Plantation."

[2] *Ibid.* p. 582.

[3] *Ibid.* pp. 586, 605, 622, 627; Virginia Co. II, pp. 313, 314, 540; London Co. II, pp. 122, 123, 313, 314. The bill allowed tobacco to be planted in England for the use of the grower, but not for sale; and imposed a duty of 12*d.* on imported tobacco.

[4] Lords Journal III, pp. $134^{b}$, $135^{a}$, $138^{a}$, $193^{b}$.

# CHAPTER VI

## THE STUART REGULATION OF THE TOBACCO INDUSTRY

ONE of the most characteristic features of English economic life in the seventeenth century was the extreme extent to which it was subject to governmental control. Economic freedom and unrestrained competition were considered tantamount to chaos and anarchy. The age was distinctly anti-individualistic, and as yet vested rights had acquired but little sanctity. That private interest should unquestionably yield to public welfare was the cardinal doctrine of mercantilism.

Partly in order to increase their revenue and thus free themselves from dependence upon Parliament, but partly also in order to regulate industry, the Stuarts were accustomed to grant to individuals the sole right to deal in or to manufacture certain specific products. In addition, favoritism to courtiers was a not inconspicuous factor. Before the colonial tobacco industry had become of commercial importance, this monopoly system had been applied to tobacco.[1] In 1615, James I granted to two individuals the

[1] In 1613, one Shipman tried to secure the tobacco monopoly, and offered £5000 to a nobleman at court for an exclusive patent. H.M.C. IV, 1, p. 283. From June 24, 1615, to Aug. 9, 1617, there were imported into England 131,200 pounds of foreign, as against only 22,338 pounds of colonial tobacco. Customs Rolls 911.

sole privilege of importing tobacco and of naming persons entitled to sell it.[1] Later, in 1620, the exclusive right to import tobacco was bestowed upon a body of men at whose head was Sir Thomas Roe, the distinguished explorer and diplomatist.[2] In return the Crown received the very high rental of £16,000.[3] At the expiration of the first year, on September 29, 1621, Roe surrendered the monopoly, and it was then granted to Abraham Jacob, the collector of the tobacco impost, whom the Virginia Company in 1619 had found "so tough an aduersary."[4]

In addition to this monopoly system, the tobacco industry in England was otherwise regulated. Certain products, prominently spices, were subjected to governmental inspection; in order to protect the consumer from adulteration, the good was separated from the bad. This right of examina-

[1] Cal. Dom. 1611–1618, pp. 214, 280. In 1622, John Bargrave said that in 1618 the King had offered this monopoly for £5000 yearly. Va. Mag. VI, p. 226.

[2] Virginia Co. I, pp. 139, 141; II, p. 68; Cal. Dom. 1619–1623, pp. 169, 170; Brown, First Republic, pp. 386, 387. Some of the prominent members of the Virginia Company sought at this time to secure the monopoly, but their bid was much lower than that of Roe.

[3] See the papers of Lionel Cranfield, Earl of Middlesex. H.M.C. IV, 1, p. 281. In 1621, Sandys also told the House of Commons that the patentees paid £16,000. Commons Journal I, p. 586. On July 31, 1621, Buckingham wrote to Cranfield: "The King's rent of £15,500 for tobacco, is now in danger to be lost, or at least to decline much, and all the money spent about the plantations of Virginia and Bermoothes will be lost, if there can be not some present course taken to restrain the planting of tobacco, here in England." Brown, First Republic, p. 426.

[4] Virginia Co. II, pp. 68, 175; London Co. I, pp. 203–205; Brown, First Republic, pp. 431, 432. Jacob was also associated with Roe in the monopoly of 1620–1621. Cal. Dom. 1619–1623, p. 170.

tion was granted by the Crown to patentees in return for the payment of a fixed rental, and these in turn were entitled to charge the owners of the goods fees for the services rendered. Such merchandise could not be sold prior to inspection, or "garbling," — to use the technical term then in use. In 1619, steps were taken to apply this system to the sale of tobacco,[1] and in November of the same year a proclamation was issued enjoining obedience to these regulations.[2] Furthermore, on April 7, 1620, James appointed a number of commissioners to enforce this system of inspection and also to prevent the sale of smuggled tobacco.[3] Again shortly thereafter, in the proclamation of June 29, 1620, which prohibited the planting of tobacco in England, the Crown forbade any but the patentees of the monopoly to import tobacco into England, and in order to prevent the evasion of the import duties and the sale of inferior grades, no tobacco could be sold unless marked by the officials appointed for these purposes.[4]

Thus, simultaneously with the settlement of the disagreement between the colonizing companies and the government

[1] May 25, 1619, grant to Fras. Nicholls and others of the office of garbling tobacco for thirty years at the annual rental of £100. Cal. Dom. 1619–1623, p. 47.

[2] Nov. 10, 1619. *Ibid.* p. 92.

[3] Rymer XVII, p. 190. See also Cal. Dom. 1619–1623, p. 138.

[4] Rymer XVII, pp. 233–235. On July 30, 1621, the Privy Council issued an order designed to suppress the importation of tobacco by others than the patentees, as being contrary to this proclamation. Cal. Dom. 1619–1623, p. 280. A number of the most prominent planters in Virginia petitioned against this proclamation. Manchester MSS., p. 37, no. 290; Virginia Co. II, pp. 307, 308.

over the import duties, there developed fresh cause for dispute in the grants for the exclusive sale and inspection of tobacco. On July 7, 1620, the Virginia Company decided to petition against the monopoly, which it claimed "would tend to the vtter ouerthrow and destrucc̃on of both Plantations." [1] In answer thereto, James stated that it had not been his intention to grant anything prejudicial to the colonies,[2] and after the matter had been considered by the Privy Council, it was decided that 55,000 pounds of tobacco could be imported into England by the two companies.[3] This decision was discussed at the meeting of the Virginia Company held on July 18, 1620; and it was resolved to allow the Bermuda Company to import this entire quantity and to ship the Virginia crop to Holland.[4] It was claimed that Virginia's share of the total amount allotted to both colonies could not with "any shaddow of Content" be divided among so many settlers. In fact, this quantity was somewhat less than the actual and considerably below the prospective future joint output of the two colonies.[5] This determination to send the Virginia crop to Holland naturally

[1] Virginia Co. I, p. 398.

[2] *Ibid.* p. 403.

[3] *Ibid.* p. 405.

[4] *Ibid.* p. 406; London Co. I, pp. 87, 88.

[5] In the year beginning September 29, 1621, there were imported into England 61,637 pounds of Bermuda and Virginia tobacco. The amounts for the two following years were respectively 134,607 and 202,962 pounds. Customs Rolls 913, 914, 915. Naturally this does not include the unquestionably large quantity of smuggled tobacco. On this smuggling, see London Co. I, p. 201; Virginia Co. II, p. 62; Misselden, The Circle of Commerce (London, 1623), p. 125.

aroused the immediate opposition of the government, as it ran counter to the fundamental economic ideas underlying the colonial movement. The Privy Council insisted that the colonial tobacco should be brought to England, but the company resolutely maintained that this would be ruinous, since no satisfactory arrangement could be made with the holders of the tobacco monopoly.[1]

In the course of this dispute, it was decided to bring the matter to the attention of the House of Commons, where Sir Edwin Sandys, the leading spirit of the Virginia Company, wielded great influence. A joint complaint against the monopoly patent and that for garbling was to be made on behalf of both the Virginia Company and that of the Bermudas.[2] Eventually the matter came before Parliament in a somewhat different form. On April 23, 1621, there was read in the House of Commons a petition from two traders and planters in Virginia,[3] complaining of the monopoly. In the ensuing discussion, the chief speaker was Sir Edwin Sandys, who said that the alleged purpose of the monopoly was to prevent the abuse of tobacco, but that the patentees, though promising to do nothing to the prejudice of Virginia, yet labored utterly to destroy it.[4] Although opposed to the con-

[1] Virginia Co. I, pp. 526–532; London Co. I, pp. 141–144.

[2] Virginia Co. I, pp. 442, 443; London Co. I, p. 107. Complaint was made against the patentees' "iniurious proceedings against both the Companies in that they have not onely stinted them, to too scant a ꝑporc̃on but have also restrayned them from sellinge their Tobacco lately brought from the Som̃er Islands w$^{th}$ out their Seale & allowance first had for w$^{ch}$ they were to pay for garblinge the same after the rate of fower pence ꝑ $^{li}$."

[3] William Tucker and Ralph Hamor.

[4] Commons Journal I, p. 586.

sumption of tobacco, the House of Commons sympathized with these complaints.[1] Partly in consequence thereof, but mainly in order to increase the nation's stock of coin, which, according to popular opinion, was being depleted by the importation of Spanish tobacco, this house passed a bill prohibiting the importation of foreign tobacco.[2] The House of Lords, however, failed to concur, and thus negatived the action of the Commons.[3]

After lengthy negotiations, the dispute between the companies and the Crown was ultimately settled by the adoption of a compromise. The government remained firm in its demand that Virginia tobacco should be first shipped to England, and on October 24, 1621, the Privy Council issued an imperative order to that effect.[4] But at the same time, the terms of the tobacco monopoly were radically modified, and the colonizing companies were allowed to import as much as they desired.[5]

This settlement, however, was satisfactory to neither party;

[1] At the meeting of the Virginia Company, on July 1, 1622, it was said "that this patent of Garbelling beinge questioned by the lower house at the last meetinge of Parliament was adiudged by all the Lawyers of that howse to be a greiuance in the Creation and (if euer it proceeded so farr) much worse in the execuc̃on." Virginia Co. II, p. 71; London Co. I, p. 208.

[2] Parl. Hist. I, pp. 1197–1198; Commons Journal I, pp. 552, 578, 581, 582, 586, 605, 622, 627.

[3] Lords Journal I, pp. 134$^{b}$, 135$^{a}$, 138$^{a}$, 193$^{b}$.

[4] Col. Entry Book LXXIX, pp. 201, 202.

[5] On Dec. 14, 1621, Cranfield wrote to Buckingham that he had agreed with the farmers of tobacco upon £8000 for this year, and that he had instructed them to import only 60,000 pounds, and that no restraint was to be placed upon the importation of tobacco from Virginia and the Bermudas. Brown, First Republic, p. 434. *Cf.* Virginia Co. II, p. 59; London Co. I, p. 197.

and accordingly, as a natural solution of the existing difficulty, it was suggested by the Lord Treasurer, the Earl of Middlesex, that the two companies undertake the tobacco monopoly.[1] It was clear that in this way the interests both of the exchequer and of the companies could be best protected. This proposition commended itself to the chief officials of the two corporations, and at the meeting of the Virginia Company, on June 5, 1622, Sir Edwin Sandys, "as best acquainted with the manner" thereof, described it in detail.[2] Sandys said that Middlesex, being desirous of increasing the Crown's revenue, and "in perticular out of his Noble affeccon and well wishinge to the Plantation,"[3] had consulted with him about granting to the companies the exclusive privilege of importing tobacco into England and Ireland on payment of an annual rent. Sandys, fearing the uncertain nature of tobacco,[4] proposed that in lieu of a fixed rental, the

[1] Virginia Co. II, pp. 68, 175, 176; London Co. I, pp. 203–205; II, pp. 28, 29. The difficulties of the Virginia Company, due to the tergiversations of the government's policy from 1619 to 1622, are vividly described, though in a partisan spirit, in the "Discourse of the Old Company," 1625. Va. Mag. I, p. 290.

[2] Virginia Co. II, pp. 35–38; London Co. I, p. 184.

[3] In "The Discourse of the Old Company," Middlesex, who in the meantime had been convicted of corrupt practices, was bitterly arraigned for his share in the contract. In especial, the sincerity of his expressions of good-will were questioned. Va. Mag. I, p. 290. When making the offer, Middlesex told Sandys: "It is a misfortune not to be avoided, that whilst the Plantations in their present infancy have their whole subsistence by the trade of tobacco, the King's necessities should cast him upon all and any ways for advancement of his revenue." Brown, First Republic, p. 483.

[4] "Y^e^ vncertainty of this deceaueable weede Tobacco w^ch^ serued neither for necessity nor for ornament to the life of man, but was founded onely vpon an humo^r^ w^ch^ might soone vanish into smoake and come to nothing."

exchequer should be entitled to a definite proportion, one-fourth, of the total quantity imported, and that in consideration thereof, tobacco should be exempted from all other taxes. Middlesex, however, insisted that unless the Crown's share were one-third, the revenue would be less than was reasonably to be expected, and that in addition, the subsidy of sixpence a pound, which had been farmed, had to be paid. After Sandys had finished speaking, the company voted unanimously to entertain the proposition, and a committee was appointed to arrange the details of the contract. A similar committee was also appointed by the Bermuda Company.

Thereupon prolonged negotiations were commenced, the committees making propositions, and the Lord Treasurer counter-offers, each one striving to obtain the best possible terms.[1] The aim of Middlesex was to secure a revenue of approximately £20,000, which was £4000 more than had been derived from Sir Thomas Roe's monopoly of 1620. But on the other hand, Middlesex agreed to reduce the duties to sixpence a pound, that is, to one-half the amount settled upon in 1620, when the planting of tobacco in England was forbidden. This reduction would have somewhat more than counterbalanced the increase in income expected from the proposed monopoly.[2] With the object of obtaining a higher price for their merchandise, the companies were

[1] For full details, see Virginia Co. II, pp. 58–72, 82–86; London Co. I, pp. 195–209, 212–215.

[2] The total imports of Bermuda and Virginia tobacco into England for the two years, Sept. 29, 1622, to Sept. 29, 1624, were 337,569 pounds, on which this reduction would have amounted to somewhat more than £8000.

especially anxious to secure the absolute exclusion of all Spanish tobacco. But to this, Middlesex would not agree, for fear of offending Spain, with whom at the time a close alliance was being negotiated. In addition, the companies desired a revocation of the patent for garbling tobacco, which, though it had never been carried into effect, was a perpetual menace to their prosperity. They claimed that this patent constituted a direct violation of the clause in their charters exempting them from all taxes except the customary subsidy of poundage, which amounted to five per cent. Middlesex, however, insisted that this patent could not be revoked, and advised them to rely upon their exemption and to test the matter in the courts.[1] Thereupon, this demand was dropped, and it was determined, if necessary, to secure redress at law.[2]

Finally in November, 1622, the terms of the contract were definitely agreed upon, and were duly accepted both by the two companies and by the Lord Treasurer.[3] The chief provisions of this agreement were as follows:

I. The sole right to import tobacco into England and Ireland was granted to the two companies for seven years.

II. In consideration thereof and of the fact that this tobacco was to be exempted from the payment of import duties in excess of the customary subsidy of five per

[1] Virginia Co. II, pp. 60, 66; London Co. I, pp. 198, 203. The committees said: "They are crediblie informed that the Patent for Garbellinge hath not hitherto taken effect vpon any man as beinge questionable, first whither Tobacco be garbellable at all, and secondly whither the proporc̃on of a groat [*i.e.* 4*d.*] vpo̅n the pound be not excessive."

[2] Virginia Co. II, p. 71; London Co. I, p. 208.

[3] Virginia Co. II, pp. 85–88, 97, 144, 148, 156; London Co. I, pp. 215–218; II, pp. 8, 24, 26, 27.

cent,[1] the companies agreed to pay into the royal exchequer the net proceeds of one-third of all the tobacco imported by them.[2]

III. In order to give colonial tobacco a monopoly of the home market, the planting of tobacco in England and Ireland was again to be prohibited "vnder a grievous penalty." With the same ultimate object in view, Spanish tobacco could be excluded by the companies, but during the first three years of their contract, they obligated themselves to import a comparatively small quantity of Spanish tobacco, provided Spain placed no obstacles in their way, either by raising the price of tobacco or by imposing additional taxes thereon.[3]

The agreement embodied a series of compromises, in which neither of the principals secured all that was wanted, and in which the interests of the consumer and farmer in England and Ireland were totally ignored. The revenue expected by the Crown was no greater than that derived from the tobacco monopoly before the colonial industry had attained the comparatively large dimensions that it did in 1622. But this revenue could be obtained only if the Eng-

[1] Sixpence a pound on roll and fourpence a pound on leaf tobacco.

[2] The Crown was to be charged with the duties on this third, and also with all expenses thereon after landing, but not with the freight.

[3] Spanish tobacco was of decidedly better quality than that grown in the English colonies, and commanded higher prices. The companies agreed to import in all not less than 80,000 pounds. According to the customs records, the average total quantity of tobacco imported into England during the seven years preceding the contract was 142,085 pounds. In the two years following this abortive contract, the total importations of foreign tobacco alone were 130,374 pounds, in spite of a high discriminating duty in favor of the English colonial product. Customs Rolls 914, 915.

lish consumer were charged extortionate prices.[1] On the whole, although there was some opposition, the contract commended itself to the companies as the best possible arrangement that could be made under the existing circumstances. Those in control of the Virginia Company, especially Sir Edwin Sandys, showed great eagerness in securing its ratification by the members.[2] As the contract was

[1] Exclusive of the amounts smuggled, the total quantity of tobacco imported into England in the two years from Sept. 29, 1622, to Sept. 29, 1624, was 467,943 pounds. Customs Rolls 914, 915. On this basis, in order to realize £20,000, the Crown's portion would have had to be sold at nearly 6*s*. a pound. On the basis of the average importations during the seven years prior to the contract, 142,085 pounds, the tobacco would have had to be sold at 9*s*. to 10*s*. a pound in order to realize the anticipated amount. It should be noted that these figures would be reduced if the importations into Ireland were taken into account. But, as in 1634 the Irish customs of 6*d*. and the impost of 18*d*. on tobacco were farmed respectively for £10 and £20 yearly, it may with some degree of assurance be inferred that the importations into Ireland were not large. Rushworth, Collections (ed. 1706) III, p. 471.

[2] The official records of the Virginia Company state that the members ratified the contract, "esteeming it not as good meat well sauced, but of a portion necessary for their health being willing *devorare molestiam* of this bitter pill." Virginia Co. II, p. 144; London Co. II, p. 24. The proceedings, however, do not bear out the statement that the contract was forced upon the company. During the controversies of 1623, the Rich faction in the company repeatedly made this charge, but Sandys and his adherents always categorically denied it. After the dissolution of the company, the Sandys faction, however, made a *volte-face*, and used this accusation as a weapon against James I. Thus, "The Discourse of the Old Company" says that Middlesex, "under pretence of friendship & love of y^e^ Plantation," proposed the contract, stating that, as the King was opposed to the company, the best way to secure its safety was that "the profit of his Ma^tie^, & the good of y^e^ Plantation, might hand in hand goe together"; after much persuasion they agreed to treat of a contract, but Middlesex imposed "such condicons & such a rate, as was very dammeagh to y^e^ Plantations." Sandys's speeches and the proceedings do not indicate any such reluctance. It is especially significant that on July 3, 1622, the

mainly a fiscal measure, but little attention was paid by the government to its effect on the colonies. It was, however, naturally recognized that their welfare was intimately connected with that of the colonizing companies; but no injury whatsoever to either party was contemplated. On the other hand, the government had no intention of encouraging the tobacco industry in the colonies, because to do so would have been equivalent to outraging the most authoritative ethical ideas of the age.

Coincident with the conclusion of the contract, there broke out within the ranks of the Virginia Company a powerful movement of opposition thereto. This was lead by the Warwick-Smyth party, which had lost control of the company in 1619, and which resented the supremacy of Southampton and Sandys in the corporation's affairs. This feeling was intensified by a bitter dispute, concerning an entirely distinct matter of no importance in this connection, and reached a climax when it became necessary to provide for the management of the monopoly. So large an undertaking necessitated the creation of a somewhat elaborate administrative machinery, involving the annual expenditure of about £2500,[1] which would in itself have resulted in a great increase in the power wielded by those in control of the company. But in addition, all tobacco arriving from Virginia, no matter by whom owned, was to be at the abso-

quarter court of the Virginia Company, with only one dissenting voice, ratified the contract in what was virtually its final form, and that on Nov. 27, 1622, it was unanimously accepted. Virginia Co. II, pp. 85, 148.

[1] London Co. II, p. 89; Virginia Co. II, pp. 151, 266, 267.

lute disposal of the managers of the monopoly.[1] Although this was necessary, in order to obtain the best results, it naturally found no favor with those who on other grounds were already opposed to the Sandys party.

At the outset, the attack on the contract was made by men of no especial prominence, and was directed mainly against the system adopted for its management, on the ground that it was unduly expensive.[2] This opposition somewhat delayed the execution of the agreement, but on February 12, 1623, the Earl of Southampton was able to inform both companies that the contract, which had hung in suspense, had been approved without any alterations by the Privy Council, and that the arrangements necessary to carry it into effect would be made by the government.[3] The opposition to the salary schedule, however, continued and gained increased momentum from the fact that it was now led by men of considerable influence, such as Alderman Johnson and Sir Nathaniel Rich.[4] They were able to secure from the government a reconsideration of the entire matter.

At a hearing before the Lord Treasurer, held on February 24, 1623, there were present the chief upholders of the contract, its most prominent opponents, and also some of the officers of the customs. The agreement was attacked as

[1] Virginia Co. II, pp. 281–293, 295; London Co. II, pp. 96–106, 108.

[2] The chief opponents were Wrote and Bing. Virginia Co. II, pp. 169–213, 220–259; London Co. II, pp. 48–55, 57–82.

[3] Virginia Co. II, pp. 264, 265; London Co. II, p. 85. The order of the Privy Council was dated Feb. 2, 1623. Cal. Col. 1574–1660, p. 37.

[4] Virginia Co. II, pp. 269–271; London Co. II, pp. 89–93.

prejudicial to the colonies, and it was suggested that it be abrogated.[1] Middlesex, however, instructed the companies to proceed with the contract. But the opposition did not relax its efforts, and shortly thereafter the matter was brought to the attention of the Privy Council,[2] which summoned all the interested parties to a fresh hearing.[3] On this occasion the opponents of the contract alleged that intimidation had been used to secure its acceptance by the companies, especially in that it had been concealed that the offer had proceeded from the King's "especiall grace to the aduancement of the Plantations." The falsity of this accusation was proven, and it was shown that it had been made clear, both that the King was not forcing the contract upon the companies, and also that he could have obtained more advantageous terms from others. It was generally admitted, however, that the companies undertook the contract rather than let others have it, and that it was regarded not "simply as a good bargaine but only comparatiuely as a better then that estate they were formerly in." [4] It was then suggested by the President of the Privy Council that those who opposed the monopoly should offer some scheme that would secure both the necessary revenue and also the welfare of the colonies. Accordingly, the customs authorities proposed that no colonial tobacco should be shipped directly to foreign countries, but that all

[1] Virginia Co. II, pp. 297–299; London Co. II, pp. 108, 109.

[2] According to "The Discourse of the Old Company," Middlesex referred the matter to the Privy Council. Va. Mag. I, p. 292.

[3] A full account of the hearing is in Virginia Co. II, pp. 301–318; London Co. II, pp. 112 *et seq.*

[4] *Cf.* also Manchester MSS. p. 44, no. 360.

should first be sent to England, paying there a duty of twelvepence and that the importation of tobacco into England be left unrestricted. Sandys vehemently opposed this proposition, mainly because he fully realized that the free importation of Spanish tobacco would be ruinous to the colonies. No decision was reached at this time, but the views of the Warwick party gradually prevailed. After some further futile negotiations,[1] the moribund contract was finally, on April 28, 1623, declared dissolved by the Privy Council, on the ground that it tended to "the utter overthrow & subversion" of the two colonies affected thereby.[2]

The decision of the government to rescind the contract necessitated the adoption of some measure in reference to the duties on tobacco, and also some action on the question of restricting the importation of foreign tobacco. The contract of 1622 had fixed the duties on colonial tobacco at sixpence, but on its abrogation, the duties in force on colonial tobacco would naturally be those agreed upon in 1620; namely, twelvepence a pound. The companies complained that this was excessive, and, accordingly, an agreement was reached that the duties should be reduced to ninepence.[3] Far more important to the companies, however, was the probability that Spanish tobacco would again be allowed unrestricted access to the English markets, subject only to

[1] Virginia Co. II, pp. 329–336; London Co. II, pp. 133 *et seq.*; Va. Mag. I, p. 293.

[2] Col. Entry Book LXXIX, p. 204. *Cf.* also Manchester MSS. p. 37, no. 293.

[3] Virginia Co. II, pp. 335–337, 520; London Co. II, pp. 137–143; Cal. Col. 1574–1660, p. 45; Manchester MSS. p. 37, no. 273.

discriminating duties in favor of the colonial product.[1] Such an open market, joined to the order of 1621, which was renewed in 1623, to the effect that colonial tobacco could not be sent directly to foreign markets but must be first shipped to England, the companies claimed would result in 'the utter overthrow of the plantations,' by rendering their tobacco of no value.[2] Consequently, the Virginia and the Bermuda Companies petitioned [3] for the exclusive privilege of importing tobacco into England, with the exception of a a small quantity of Spanish tobacco [4]; in return for which monopoly they offered to ship all their tobacco to England. The suit was successful, and on April 28, 1623, the Privy Council issued an order to this effect.[5] Thus, just as in 1620, in return for the prohibition of growing tobacco in England, the Virginia Company had agreed to the payment of duties in excess of the five per cent stipulated in its charter, so in 1623, in consideration of a virtual monopoly of the home market, the companies agreed to confine the exports of tobacco from Virginia and the Bermudas to England.[6]

[1] These duties were *2s.* a pound, as opposed to *9d.* on the colonial product. Colonial tobacco imported by such as were not free of either company was also subject to these higher duties. Manchester MSS. p. 37, no. 273.

[2] Virginia Co. II, pp. 365, 366; London Co. II, p. 166. [3] *Ibid.*

[4] The amount was 40,000 pounds yearly. The government offered to the companies the privilege of importing this tobacco on payment of an annual rental of £6000. On the plea of inadequate capital, this offer was refused. The negotiations can be studied in Virginia Co. II, 342–344, 365–368, 371, 372, 411, 412, 420 *et passim;* London Co. II, pp. 184, 207, 214 *et passim.*

[5] Col. Entry Book LXXIX, p. 204. Also printed in Va. Mag. XV, pp. 132–133. *Cf.* also Manchester MSS. p. 41, no. 335; Lefroy I, pp. 297–298.

[6] For arguments in favor of prohibiting the growing of tobacco in England and the importation of foreign tobacco, see Manchester MSS. p. 48, nos. 404–407.

This arrangement was far more favorable to the colonies and the companies than the contract which it superseded. It was due to the influence of the Warwick-Rich party, and largely justifies their opposition to the agreement made in 1622.[1] A most valuable monopoly and one eagerly desired both by the companies and the colonies[2] was secured on very favorable terms. It is not surprising that on January 30, 1624, the Governor and Council of Virginia wrote that the entire community thanked the King for this favor, which enabled them to attend to 'the strength and beauty of the colony.'[3] Again a month later, through its Governor and legislature, Virginia thanked James I for the reduction in the duties and for the monopoly, saying that nothing 'will give more life, or a steadier advancement to the plantation'; but at the same time the colony added that the fruits of their toil barely provided the necessities of life, and prayed that the duties be reduced to five per cent of the value of their tobacco.[4]

This arrangement was necessarily short-lived, as in 1624

[1] "The Discourse of the Old Company," in a partisan and disingenuous spirit, misrepresents the course of events after the dissolution of the contract of 1622. Va. Mag. I, p. 294.

[2] *Cf.* Cal. Col. 1574–1660, p. 56.

[3] *Ibid*, p. 57; Va. Mag. VI, pp. 374 *et seq.*

[4] Cal. Col. 1574–1660, p. 63. The arrangement was not so satisfactory to others. In 1613, James I granted a large stretch of territory on the Amazon River in South America for the purposes of colonization, and despite the protests of Spain, a settlement was established. Tobacco was an important product of this region, and in 1623 it was pointed out that this South American enterprise would be prejudiced by such an arrangement as was made with the Virginia and the Bermuda Companies. Cal. Col. 1574–1660, pp. 15, 37. *Cf.* also H.M.C. IV, 1, p. 283.

the Virginia Company lost its charter, and consequently could not exercise the privileges granted to it the preceding year. Thereupon, it was determined to start upon an entirely new basis, and instead of renting or farming the monopoly to private individuals, to erect a governmental monopoly for the direct benefit of the exchequer. The plan was not an altogether novel one, in fact it had been suggested in 1622 by a number of prominent Virginia planters as most conducive to the healthy economic development of the colony.[1] On July 2, 1624, James wrote to Solicitor General Heath, instructing him to make a contract with the planters and adventurers of Virginia and the Bermudas "for all their tobacco to be delivered for the King's use, on which His Majesty will declare his pleasure concerning that of other countries." [2] The last clause referred to the crucial point, for the colonies would, temporarily at least, be seriously hurt if they had to compete with the more desirable tobacco of Spanish America. Although in 1623 it had been provided that only a small quantity of such tobacco could be imported, the policy of the government in reference to the question as a whole had not yet been definitely determined.[3] Shortly before the date of James's letter to Heath,

[1] Cal. Col. 1574–1660, p. 35; Va. Mag. VI, p. 233; Brown, First Republic, pp. 508–510. For similar suggestions, see Manchester MSS. p. 38, no. 312; p. 45, no. 365.

[2] Cal. Col. 1574–1660, p. 63; Cal. Dom. 1623–1625, p. 290.

[3] In the year beginning Sept. 29, 1623, there were imported 50,459 pounds of foreign tobacco. Customs Rolls 915. In the estimates of the yield of the proposed governmental monopoly, it was generally assumed that only 50,000 pounds of such tobacco were to be imported. Col. Pap. III, 23; Cal. Dom. 1625–1649, p. 315.

it was suggested that Parliament pass a bill excluding all foreign tobacco.[1] The plan was not executed, but at this time, due largely to the efforts of Sir Edwin Sandys, the House of Commons petitioned the King against this import trade as one of the principal commercial grievances from which relief was sought.[2] Relatively the question was naturally of even greater importance to the two struggling colonies. The commissioners, to whose care the welfare of Virginia was intrusted after the dissolution of the company, reported that the importation of foreign tobacco must be prevented, for otherwise not only would England be drained of money, but the progress of the colony would be materially retarded; they added, however, that as the royal revenue would be impaired by such a prohibition, they were preparing a plan by which colonial tobacco would make up this deficiency.[3] The Governor and Assembly of Virginia likewise petitioned in favor of a policy of absolute exclusion.[4] James was not averse to such a measure, but delayed its adoption,[5] as in the existing political struggle he could not afford to curtail his revenue. Heath accordingly

[1] The government was apparently not entirely opposed to this plan. See Heath to Sir Robert Harley, May 20, 1624. Cal. Dom. 1623–1624, p. 250.

[2] On May 24, 1624, in his report on trade to the House of Commons, Sir Edwin Sandys said that the importation of foreign tobacco "hindreth this Kingdom" £100,000 yearly, for in lieu of money, tobacco is imported from Spain. Commons Journal I, pp. 710, 794. For further details, see Virginia Co. II, pp. 540, 541; London Co. II, pp. 271, 272.

[3] Va. Mag. VII, pp. 43, 44; Cal. Col. 1574–1660, p. 64.

[4] Cal. Col. 1574–1660, p. 66.

[5] See Conway to Mandeville, July 19, 1624. *Ibid.* p. 64 and Cal. Dom. 1619–1623, p. 305.

proposed in the King's name to enter into a contract for a quantity of colonial tobacco sufficient to supply both England and Ireland, and agreed on the other hand to prohibit the importation of the competing foreign product and also the growing of the plant in England. He proposed that the Crown purchase yearly from Virginia and the Bermudas 400,000 pounds of tobacco, paying £15 a hundredweight for the superior, and £10 for the inferior grade, while all above this quantity imported into England could again be reëxported.[1] Though the terms were exceedingly liberal to the colonial producer,[2] it was anticipated that, by securing high prices from the English consumer, an adequate revenue would result.

On September 29, 1624, before any definite agreement had been reached, and despite the wholly natural opposition of those English merchants interested in the Spanish trade,[3] James issued a proclamation completely excluding foreign tobaccos.[4] After referring to the petition of the House of Commons and to the report of the Virginia Commissioners, this proclamation absolutely prohibited the importation into England and Ireland of any but the tobaccos of Virginia and the Bermudas. Furthermore, the growing of this plant in England and Ireland was again forbidden.[5] Both in

[1] Cal. Col. 1574–1660, p. 63; Cal. Dom. 1623–1625, p. 290.

[2] In 1623, Sandys stated that the colony could afford to supply tobacco at 1*s.* a pound. Virginia Co. II, p. 314; London Co. II, pp. 122, 123.

[3] Cal. Col. 1574–1660, p. 71.

[4] Rymer XVII, pp. 621–624.

[5] This was based on the ground that such tobacco had no medicinal qualities, the only good purpose served by tobacco.

order to carry this policy into effect and also in order to prevent any evasion of the customs duties, all colonial tobacco had to be brought to London, where it was to be marked and sealed, and the sale of all unmarked tobacco was prohibited. On November 9, 1624,[1] on the recommendation of the Virginia Commissioners, Edward Ditchfeild, Edward Bennett, and four other London merchants were appointed to attend to this marking of tobacco.

In the meanwhile, the negotiations for a contract proceeded, but it was soon seen that a purely governmental monopoly presented many administrative difficulties, and that it would be better to revert to the old system of farming the monopoly to private individuals. Accordingly, James made a contract with the same men whom he had appointed for the purpose of marking tobacco; these were to act as his agents "to receive the Tobacco of those Colonyes at and for such Prices as we have agreed to give for the same," but paying to the Crown a rental, such "as may give US reasonable Satisfaction for that Losse which otherwise we should sustayn in our Customs and other Duties, and may enable us to bear that charge which we have undertaken yearly to disburse for the general Defence and Support of those Plantations." [2] On March 2, 1625, a proclamation reciting these facts was issued, and it was ordered that all tobacco from the colonies be brought to London for delivery to the Crown's agents "according to our Contract aforesaid." [3]

[1] Rymer XVII, pp. 633–635; Cal. Dom. 1623–1625, p. 356.
[2] Rymer XVII, pp. 668–672. [3] *Ibid.*

The terms of the agreement were somewhat intricate.[1] The contractors agreed to purchase 200,000 pounds of colonial tobacco during each of the first two years, and 250,000 pounds yearly during the last five years of the contract. For the first two years, the prices determined upon were two shilling fourpence for the best quality and one shilling fourpence for the second grade; but during the subsequent five years, these respective prices were to be increased to three and two shillings. If any colonial tobacco in excess of the stipulated quantities were imported, the contractors had the option of purchasing it, or it could be reëxported to Turkey. It was also provided that the tobacco was to be imported from the colonies not in its raw, but in a semi-manufactured state,[2] and in addition, that the contractors were not obliged to pay cash for it, but should have the privilege of a very long credit. In return, the holders of this monopoly were to pay to the King for the first two years a rental of £15,000, and during the ensuing five years £20,000. Of these amounts, £5000 was to be devoted by the King to the defence of the colonies.

This arrangement of 1624–1625, including on the one hand the absolute exclusion of foreign tobacco and on the other the monopoly, was made not in a spirit of hostility to the colonies, but with the intention of furthering their

[1] See "Considerations touching the New Contract of Tobacco as the same hath binne propounded by Mr. Dichfield & the other Undertakers." Col. Pap. III, 32.

[2] The colonial tobacco was to be made into "roll." In 1628 the cost of manufacturing tobacco was stated to be 4*d.* a pound. Cal. Dom. 1625–1649, p. 290. See also Col. Pap. III, 32.

welfare.[1] The prices offered were by no means unfairly low, nor was the revenue that the Crown anticipated immoderate. Furthermore, of this revenue a not inconsiderable portion was to be devoted to protecting the colonies. This was an interesting provision, as it was the first of many occasions on which an attempt was made to solve the financial difficulties of the system of imperial defence by making the colonies bear a share of its burden. But if James was willing, provided his revenue were not impaired, to grant a monopoly of the English markets to colonial tobacco, this did not imply that his antagonism to the narcotic had to any extent waned. He was as firmly as ever opposed to the extension of this industry in the colonies; the favors conceded by him were designed merely as temporary expedients to enable them in the near future to produce more useful commodities.[2]

The regulations of 1624–1625 were, however, not favorably received. The exclusion of foreign tobacco was naturally most acceptable to the colonies. According to the Virginia Commissioners, it had 'put a new life into the plantations of Virginia and the Somers Islands.'[3] But the

[1] On Jan. 20, 1626, Heath, who had charge of the matter in 1624, wrote to Secretary Coke that he feared the failure of the plan would result in "the discouragement of the plantations in Virginia and the Summer Islands." H.M.C. XII, 1, p. 250. (Coke MSS.)

[2] In his proclamation of March 2, 1625, James said: "We have been contented to tollerate the Use of Tobacco of the Growth of those Plantations for a tyme, until by more solid Commodityes they be able to subsiste otherwise, which, as We are informed, they cannot as yet by any meanes do." Rymer XVII, pp. 668–672. *Cf.* also proclamation of Sept. 29, 1624. *Ibid.* pp. 621–624.

[3] Cal. Col. 1574–1660, p. 71.

Ditchfeild monopoly aroused intense opposition. On June 15, 1625, Governor Wyatt and the Council of Virginia wrote to the Privy Council that the colony was in a desperate state owing to "the late pernicious contract which hath diverted his Maj. bounty to this colony in granting them the sole importation of Tobacco, which well ordered would certainly advance the plantation, but by converting the benefit thereof to private and inordinate lucre hath given the colony the greatest blow that ever it received and without speedy redress will prove incurable, the effects whereof begin to disclose themselves in their scant and miserable supplies, at most unconscionable rates and in the greatest discouragement of the whole Colony." [1] Similarly, Governor Woodhouse of the Bermudas wrote [2] that the contract had caused "a wonderfull dijectedness generally throughout the contrye," so much so that many wanted to leave the islands.[3]

In addition, the contract was vigorously opposed by the dominant party in the Virginia Company, whose charter had shortly before this been declared forfeited. The chief people interested in the monopoly of 1624 belonged to the Rich faction,[4] which had in the meanwhile gained control

[1] Va. Mag. VII, pp. 135, 136. *Cf. ibid.* XV, p. 361.

[2] Lefroy I, pp. 347, 348.

[3] He added: "Not that they grudge his Ma$^{tie}$ any benefitt he shall reape therebye. Ay they desire that his Ma$^{tie}$ would take rather 12d in the pound of tobacco soe that they may haue the sale of theire owne tobacco, and not be hindred to consigne their comodities to their friends to furnishe them with supplyes, w$^{ch}$ now they are out of hope for, and are fearefull to send their tobacco ouer least exceedinge the weight of 80,000 lb. p.porconed from these Islands, the tobacco of 2$^{s}$ 4$^{d}$ be undervalued," *etc.*

[4] In their attack upon the contract, the Sandys party pointed out that it

of the Bermuda Company. Ditchfeild, who headed the list of the contractors, was Treasurer of this organization.[1] The Sandys party[2] claimed that the prosperity of the colonies was contingent upon an annual production of at least 400,000 pounds,[3] and that, as the contractors had agreed to take only about one-half this quantity, it was a hardship to oblige them to ship all their tobacco to London. Furthermore, they asserted that the provision requiring the colonies to manufacture the tobacco was a distinct grievance; and in addition, that the contractors were in a position to declare that all the tobacco was of the inferior grade and consequently entitled to only the lower of the two stipulated prices. In general, they contended, that under the contract

was upheld by those who had caused the abrogation of the contract of 1622, and it was asserted that some of the Virginia Commissioners "appeare to bee the Chiefe & Principall Contractors." Col. Pap. III, 32. Similarly, "The Discourse of the Old Company," after claiming that the contract of 1622 was more favorable than that of 1625, bitterly attacked Sir Nathaniel Rich for opposing the former and supporting the latter, and likewise accused some of the Virginia Commissioners of being financially interested in the scheme. Va. Mag. I, pp. 293, 299. This accusation was also repeated by Governor Wyatt and the Council of Virginia. Va. Mag. VII, pp. 135, 136.

[1] Lefroy I, pp. 358, 361. Edward Bennett was a prominent member of the company. *Ibid.* pp. 297, 298. So closely were the contractors identified with the company, that Governor Woodhouse of the Bermudas referred to the monopoly as "the hon$^{ble}$ compa contract w$^{th}$ his Ma$^{tie}$ concerninge tobacco." *Ibid.* p. 347.

[2] Col. Pap. III, 32.

[3] In the year beginning Sept. 29, 1623, only 202,962 pounds of tobacco were imported from Virginia and the Bermudas. Customs Rolls 915. The conditions were, however, exceptional. *Cf.* Manchester MSS. pp. 42, 44, 45. Production could unquestionably be vastly increased, but James's object, in which he was supported by the best opinion of the day, was to prevent any such expansion of the tobacco industry in the colonies.

the colonies could not thrive.[1] In only one respect did they admit that the contract was preferable to the abortive one of 1622; namely, in that foreign tobacco was entirely excluded from England.[2] In consequence of this opposition and partly also as the result of the death of James I in 1625, this tobacco monopoly was never fully carried into effect.[3]

Charles I, who succeeded to the Crown of England on March 27, 1625, in general continued his father's policy. Within a fortnight of his accession, he issued a proclamation forbidding the importation and sale of any but Virginia and Bermuda tobacco,[4] and on May 13, 1625, another proclamation[5] enjoined strict obedience to this regulation, and declared that it was the intention to create a governmental monopoly, "but of the Manner thereof," the King added, "we will determyne hereafter at better Leisure." In contradistinction to his father, Charles was favorably

[1] It was claimed that the £5000 which was to be devoted to the colonies would not "rayse them up from that greate decaye unto w^ich during the space of theise latter two yeares" they have fallen.

[2] They added: "But this is to be attributed to his Ma^tys greate grace giving a fauorable care to the humble sute of his Commons in Parlement as appeareth in his Ma^tys late proclamation."

[3] On Jan. 20, 1626, Attorney General Heath, who had charge of the matter, wrote to the Secretary of State, Sir John Coke: "A year and a half since I received a commandment from His late Majesty to settle the tobacco business for the King's service by an Agency, and it was committed to some citizens of London of good experience and ability. This hath been interrupted partly by the opposition of others, partly by the interposition of these dangerous times." H.M.C. XII, 1, p. 250. (Coke MSS.)

[4] Rymer XVIII, p. 19; Lefroy I, pp. 338, 339.

[5] Rymer XVIII, pp. 72, 73; Lefroy I, pp. 339, 340.

disposed toward the Sandys party,[1] and accordingly he asked them to formulate a scheme, which should neither sacrifice the royal revenue nor prove burdensome to the colonies.[2] Their report was embodied in a lengthy document generally known as "The Discourse of the Old Company of Virginia."[3] Herein the Ditchfeild contract of 1624–1625 was again bitterly attacked as destructive to the colony,[4] and as more unfavorable than the abortive agreement of 1622. But even the terms of 1622, they claimed, were now out of the question, as Virginia was in so deplorable a condition.[5] It was admitted that "the banishment of all Spanish Tobacco, will much redound to the Plantations benefitt, and his Ma^ts^ loss"; but they argued that, irrespective of the interests of the colonies, it were better that the King should lose £7000 to £8000 in the customs revenue on Spanish tobacco, because its consumption prevented the importation of bullion into England.[6] They proposed that the Virginia Company be reincorporated, and should then receive, jointly with the Bermuda Company, the sole monopoly of importing tobacco into England and Ireland, and that at the same time the planting of tobacco in these kingdoms should again be prohibited. In

[1] *Cf.* Brown, English Politics in Early Virginia History, p. 89.

[2] Va. Mag. I, p. 156.

[3] This document, Col. Pap. vol. III, no. 40, has been printed in the Virginia Magazine of History and Biography, vol. I.

[4] When the colony "shall heare the newes of the late contract, whereby all their hopes shal be quite exstinguished and all possibilitie of subsistance taken from them, wee cannot thinke that any will stay behinde that shall not be kept by force." Va. Mag. I, p. 166. *Cf.* p. 293.

[5] *Ibid.* pp. 306, 307.

[6] *Ibid.* p. 307.

consideration of this monopoly, the proceeds of one-quarter of the tobacco imported was to constitute a fund, out of which the exchequer should receive an import duty of threepence on every pound of tobacco and also £10,000 yearly, while the surplus was to be devoted to the support of the colonies.[1]

The proposition was not attractive to Charles I, and in addition, it could be carried into effect only by reincorporating the Virginia Company, a step of considerable importance. Furthermore, the colonies were opposed to all contracts,[2] and the government was apparently not uninfluenced by this fact. This favorable disposition toward the colonies was shown by a reduction of the duty on their tobacco,[3] for which Virginia duly expressed gratefulness,[4] but above all, by the exclusion of foreign tobacco with which the product of Virginia and the Bermudas could not compete.[5] Not only did Virginia clamor for the exclusion of all foreign tobacco, but in 1626 she also asked that the policy be extended to the English West Indies, whose settlement was at this time being effected, and where for a considerable period tobacco proved the most profitable crop.[6]

[1] Va. Mag. I, pp. 307–309.

[2] Cal. Col. 1574–1660, pp. 74–76, nos. 42, 46, 47; Lefroy I, pp. 379–384.

[3] Warrant Book 32, Privy Seal of March 1, 1631.

[4] Va. Mag. XV. p. 370; Cal. Col. 1574–1660, p. 79, no. 9. "We must ever acknowledge it as singular favour from his Majestie, that hee hath bine pleased to remit the imposition uppon Tobacco."

[5] The colonies were continually urging the absolute necessity of this exclusion. Cal. Col. 1574–1660, p. 76, no. 47. *Cf.* also a petition to the same effect in Cal. Dom. 1625–1626, p. 4.

[6] Letters of Governor Wyatt and the Council, April 6 and May 17, 1626.

This is the first significant instance of that rivalry between the island and the continental colonies, which later became very conspicuous, and which was a disturbing factor throughout the entire eighteenth century.

Both the lowering of the duties and the exclusion of foreign tobacco implied, however, a diminution of the Crown's revenue, which was exceedingly inopportune. The first two Parliaments of Charles's reign refused to grant adequate supplies, while at the same time the demands of an aggressive foreign policy increased the disparity between income and expenditure. Retrenchment was imperative, and also additional revenue; consequently, early in 1627, there was a reversion to the scheme of a tobacco monopoly.[1] On January 31 of that year, Charles I issued a commission [2] to a number of men, amongst whom, besides others, were several of the contractors of 1624–1625,[3] and also a majority of the farmers of the customs.[4] This document stated that the importation of Spanish tobacco was contrary to good policy, and that the planting of tobacco in

Wyatt wrote that it was necessary that the price of tobacco be upheld by prohibiting all, "except from this Collony and the Summer Islands." Cal. Col. 1574–1660, pp. 79, 81; Va. Mag. II, p. 53; XV, p. 371.

[1] There is extant in Sir John Coke's handwriting, a contemporary account of the proceedings for retrenching the expenses of the court and for increasing the revenue, which says: "Tobacco which hath yielded but 1500 l. in two years, whereas formerly it rose to 8000 l. at the least every year." H.M.C. XII, 1, p. 294. (Coke MSS.)

[2] Rymer XVIII, pp. 831–835.

[3] Edward Ditchfeild, Reuben Bourne, George Bromley.

[4] Sir John Wolstenholme, Abraham Jacob, Henry Garwaie. These with Sir Morris Abbott were in 1626 farmers of the customs. Rymer XVIII, p. 674.

England and Ireland, in addition to diminishing the Crown's revenue, "have bene already the greate Discouragement, and are like to be the utter Destruction of Our English Plantations abroade." In order to prevent these evils, Charles declared that it was necessary for the government to undertake "the managing and ordering all Tobacco within theis Our Realmes and Dominions." Therefore these commissioners were appointed with the following objects: to seize all tobacco imported and sold contrary to the proclamation; to buy and import for account of the exchequer a small quantity of foreign tobacco, not more than 50,000 pounds yearly; to buy and contract for the colonial crops of tobacco and to sell them for the Crown's benefit.[1]

In order to carry this elaborate plan into effect, on February 17, 1627, Charles issued a proclamation,[2] which confirmed the existing regulations forbidding the importation of foreign tobacco and the growing of this plant in England and Ireland, and which stated that, owing to their violation,[3] "our Plantations abroad are much hindred" and "our Customes alsoe are much ympayred." The modification made in the policy of excluding foreign tobacco was explained as

[1] All tobacco that was sold had to be sealed and stamped, and the commissioners were to be recompensed for their services as the Lord Treasurer or the Chancellor of the Exchequer should decide.

[2] Rymer XVIII, pp. 848–851.

[3] People prefer Spanish tobacco which is smuggled "in grete quantities," and besides "many greate Quantities of *Tobacco* are set and sowen within this Our Realms of *England* and Domynion of *Wales*, and soe the Mischief intended to be redressed is not avoyded and yet Our Revenue in Our Customes is much diminished."

necessary on account of the English consumer's preference for the product of Spanish America, which led to smuggling; and therefore it was decided "to give Waie to the Infirmitie of Our Subjects for the present," by allowing the importation of a small quantity. Furthermore, no tobacco could be imported but at London, and none could be sold unless it had been marked and sealed.[1]

The importation of this small quantity of foreign tobacco was undertaken for account of the exchequer.[2] During the first year, ending September 29, 1627, the enterprise showed a profit of about £6350,[3] mainly as a result of the fact that the bulk of the tobacco sold cost the government nothing, having been seized as prize during the existing war with Spain and France.[4] The outcome of the subsequent year's operations, when all the tobacco that was sold had to be purchased, was distinctly unfavorable, showing a loss of £4555.[5]

[1] Three different seals were provided; one for Virginia and Bermuda tobacco, one for that of the other English colonies, and one for foreign tobacco. On March 30, 1627, another proclamation ordered all colonial tobacco already imported to be sealed by the commissioners for tobacco. Rymer XVIII, p. 886.

[2] Oct. 19, 1626, license to Burlamachi and Anes (Amys) to import 50,000 pounds of Spanish tobacco free of customs. Cal. Dom. 1625–1626, p. 576.

[3] 22,749 pounds were sold for £10,468, while the cost of the tobacco purchased and the expenses of management amounted to £2395, leaving a balance of £8073. Out of this, though contrary to the license of Oct. 19, 1626, there was paid £1719 for the customs duties, leaving a net profit of £6354. Customs Rolls 916.

[4] Of 22,749 pounds sold, only 6231 had been purchased. *Ibid.* On this Spanish prize tobacco, see also H.M.C. XII, 1, p. 250. (Coke MSS.)

[5] As less than half the quantity allowed was imported in 1626–1627, permission was granted to import 20,000 pounds additional during the year beginning Sept. 29, 1627. Customs Rolls 917 and Cal. Dom. 1627–1628, p. 457.

To carry into effect this governmental monopoly of a small quantity of Spanish tobacco was a simple matter in comparison with the difficulties encountered in arranging a contract for the colonial crops. On April 7, 1627, some "planters and adventurers" of Virginia, then in England, and also the Bermuda Company were informed by the tobacco commissioners what quantity of tobacco they should import and also what price the Crown would pay therefor. They, however, refused to accept the terms offered, stating that they were inadequate to support the people settled in the colonies.[1] The settlers in Virginia, 'hating all contracts,'[2] were discouraged at the prospect; according to Governor Yeardley, it 'deadened their spirits and plunged them into misery.'[3] Because of this opposition, on August

64,107 pounds of tobacco realized £42,754. On the other hand, the cost of the tobacco was £34,540, and the expenses and allowances amounted to £5859, thus leaving a balance of £2355. But as the duties on this tobacco, the subsidy and the impost, amounted to £6910, there was in reality a loss of £4555. Customs Rolls 917. Burlamachi's account with the exchequer was closed by warrant of June 25, 1631. *Ibid.* and Cal. Dom. 1631–1633, p. 90.

[1] They also said that the King's pleasure had been signified too late, as their ships had already arrived in England, and that if this price had been tendered at an earlier date, "they would have disposed of their shipps for Holland & Ireland, where they should have better prizes, and better markets then in England." Many desired that, if the King would not give them a valuable price, they might reëxport their tobacco without paying duties thereon. Lefroy I, pp. 439, 440.

[2] Cal. Col. 1574–1660, p. 84, April 8, 1627; Va. Mag. XIII, p. 401.

[3] Cal. Col. 1574–1660, p. 84, no. 22. At the same time, Virginia petitioned that Spanish tobacco be absolutely excluded from England. *Ibid.* On Dec. 20, 1627, Governor West and the Council of Virginia again wrote to the Privy Council entreating that no contract or monopoly be granted without their consent. *Ibid.* pp. 86, 87.

9, 1627, Charles issued an additional proclamation,[1] which provided that no colonial tobacco could be imported without special license, and that when thus imported, it had to be delivered to the tobacco commissioners at such prices "as shalbee reasonably agreed upon betweene the Owners or Factors for the same, and the King's Commissioners on his Majesties Behalfe." To these commissioners was given the sole right of selling tobacco in England, and if no satisfactory price could be agreed upon, then the colonial tobacco had to be reëxported.

In adopting this policy, Charles had other objects in view besides increasing his revenue. He was solicitous for the welfare of the colonies, and was willing in their interest to force upon the British consumer an inferior and less desirable product. But if not so pedantically as James had been, Charles was quite as sincerely opposed to tobacco, and objected to its becoming the staple crop of the colonies. It was partly in order to obviate this that the government sought to control the tobacco industry.[2] Accordingly at this time, Charles wrote to Virginia that he was much troubled because the colony exported no substantial commodities, and was "wholly built upon smoke, tobacco being

[1] Rymer XVIII, pp. 920–922. This again prohibited the growing of tobacco in England and in Ireland, and the importation of the foreign leaf.

[2] The proclamation of August 9, 1627, states that the monopoly was created in order that the colonies should not "give themselves over to the planting of Tobacco onely to make a presente Retorne of Profitt, and neglecte to applye themselves to solid Commodities, fitt for the establishinge of Collonies, which will utterly destroy these and all other Plantations." Rymer XVIII, pp. 920–922.

the only means it hath produced."[1] He commanded them to make pitch, tar, potash, pipe-staves, iron, and salt, to plant vines, and to search for mineral deposits. These were the commodities with which it had been expected that Virginia would supply England, when in 1606 the first charter was issued. It was, however, through the elimination of these unprofitable products, which had all been unsuccessfully tried in the early years of the colony's life, that the planting of tobacco had gradually become the staple industry. Virginia was greatly alarmed by the royal instructions. In answer thereto, the Governor and Council stated that they lacked the means, but not the will, to raise staple commodities, and implored Charles to admit such a quantity of tobacco as would be sufficient to sustain them.[2] The Virginia Assembly was willing, however, to contract with the Crown, and offered to sell their tobacco at three shilling sixpence a pound in the colony, or at four shillings in England, provided 500,000 pounds were taken yearly.[3] These prices, being absurdly high, were naturally not accept-

[1] Cal. Col. 1574–1660, p. 86; Va. Mag. XVI, pp. 34, 35.

[2] Cal. Col. 1574–1660, p. 88, no. 40; Va. Mag. VII, pp. 258, 259.

[3] Cal. Col. 1574–1660, pp. 89, 90, nos. 44, 45, 46; Va. Mag. VII, pp. 260–263; XIII, pp. 396, 397; Hening I, pp. 134, 135. Toward the end of 1627, the Crown sent instructions to Governor Yeardley and the Council of Virginia to permit the shipment only of merchantable tobacco, and to "send the same into England consigned to the L^d^ Treasurer Chauncellor of the Exchequ^r^ or Attorney Generall, that they land their Tobacco in the port of London. That by the same shipp wherein any tobacco is sent you send alsoe intelligence for what quantity or for whose account you have contracted for the King & for what quantity & whose account you cannot contracte, & bee assured of this that whoever comes w^th^out such certificate from you shall answer for it at their coming home." Col. Pap. IV, 33.

able to the King. Consequently, no mutually satisfactory arrangement could be made for the purchase of the colonial crops.[1]

The time was ill adapted for forcing the issue, as the years 1628 and 1629 were occupied by a bitter political struggle between the Crown and the House of Commons. The monopoly scheme was, however, not abandoned. On January 6, 1631, Charles issued another proclamation,[2] which renewed the existing regulations regarding the importation of foreign tobacco[3] and the growing thereof in England. Both of these prohibitions, it was stated, were extensively evaded,[4] with the result that "it is now come to passe, that those our forraigne Plantations, that might become useful to this Kingdom, lingring onely upon Tobacco, are in apparent danger to be utterly ruyned." Charles again expressed his dislike to the development of the industry in the colonies,[5] and with a view to controlling it, forbade the importation of tobacco into England and Ire-

[1] *Ibid.* In 1628, Virginia complained bitterly "of the sinister projects of unconscionable men through whose contracts they have so long suffered." In the same year, a petition of the Governor and Assembly stated that for six years they had suffered from "unconscionable and cruel merchants by the excessive rates of their commodities, caused for the most part by unreasonable and unjust contracts, made wholly without their consents to the unspeakable prejudice of the colony." Va. Mag. VII, pp. 260–265.

[2] Rymer XIX, pp. 235, 236.

[3] The economic basis of this prohibition was expressed in the following words: so that "our Subjects may not unthriftely vent the solid Commodities of our owne Kingdome, and return the proceed thereof in Smoak."

[4] There is smuggled "an incredible quantity of *Brasil* and *Spanish Tobacco*."

[5] Charles was opposed to the consumption of tobacco which, he said, "ought to be used as a Drugg onely, and not soe vainely and wantonly as an evil habit of late tymes hath brought it unto."

land except through the port of London, and then only in such quantities as the Privy Council should declare fit. At the same time, letters were sent to the Bermudas and to Virginia expressing surprise that they still applied themselves to tobacco, and that they returned no "real commodity"; instructing them to proceed no further "in the multiplying of this drugge by planting so much as hitherto you have donne"; and to limit every planter to a definite quantity.[1]

The following year the question of a tobacco contract was again raised. On May 27, 1632,[2] Governor Harvey wrote to the Virginia Commissioners that the merchants trading to the colony demanded such high prices for their wares that the colony's tobacco brought but slender returns; accordingly, he suggested that these English merchants contract for the entire crop for three or four years, but that the quantity grown should be carefully restricted by the Privy Council. This proposal was designed to raise the price of tobacco, which was then at an abnormally low level. It bore no fruit at this time, but in 1634 Charles I again took up the matter.

A fresh proclamation, dated May 19, 1634, once more absolutely prohibited the growing of tobacco in England and Ireland,[3] and in addition, on June 19, 1634,[4] a commis-

[1] Lefroy I, p. 521; Cal. Col. 1574–1660, p. 125.

[2] Cal. Col. 1574–1660, p. 151; Va. Mag. VIII, p. 149.

[3] This proclamation stated that tobacco grown in northern climates was unwholesome. Rymer XIX, pp. 553, 554; Cal. Dom. 1634–1635, p. 30. For scientific and medicinal purposes the cultivation of a small quantity of tobacco in England was always allowed.

[4] Rymer XIX, pp. 560–562.

sion was issued to a number of men, amongst whom were Sir John Wolstenholme and Sir Abraham Dawes, as well as a number of those who had figured in the preceding contracts.[1] This document stated that the King had heard of the oppressions of the English merchants, which prevented the colonies from raising staple products, and that in order to prevent their ruin, he had decided to assume the "sole preëmption" of all colonial tobacco at such prices as should be found fit. Therefore these commissioners were appointed to contract for all colonial tobacco at reasonable rates, and with this object in view, agents were to be sent to the colonies. Charles furthermore declared that his aim was "not so much for our private profit as for the support of our said Colonies and preservation of our subjects." At this time also,[2] the King wrote in a similar strain to Governor Harvey, saying that it was strange that the care bestowed upon Virginia had had so little effect, seeing that the colony produced no staple commodities, and was in want owing to the low price of tobacco; and that consequently he had decided to follow his father's example in creating a governmental monopoly.

The spirit of this proposal was decidedly friendly to Virginia, and was a direct result of economic distress in the colony, which, it was asserted, was due to the exorbitant prices demanded by the English traders for their wares. Its aim was to prevent such abuses in the future, to raise the price of colonial tobacco, to restrict consumption in

[1] Ditchfeild, Burlamachi, Bourne, Bromley, *etc.*

[2] Sept. 29, 1634. Va. Mag. VIII, p. 159.

England, and at the same time to divert the colonies from this to more useful industries. It was at first suggested on the part of the colonies that the Crown purchase yearly 600,000 pounds of Virginia tobacco at either sixpence a pound in America, or at fourteen pence delivered in England. As these prices were far above the current market quotations, the commissioners thought them unreasonable. Thereupon, a special royal agent was sent to Virginia to contract for the tobacco crop and to further the production of staple commodities.[1] This agent died on the voyage to Virginia, but Governor Harvey communicated the King's wishes to the Assembly that met early in 1635.[2] There ensued acrimonious disputes over this matter, which were in part responsible for the Governor's summary and illegal deposition by the Council; and again there was a failure to reach an agreement.[3]

The scheme was, however, not abandoned by the English government, but was vigorously supported by a man of considerable eminence, George, Lord Goring, later Earl of Norwich.[4]

[1] Cal. Col. 1574–1660, p. 190; Va. Mag. VIII, p. 159.

[2] Cal. Col. 1574–1660, p. 195; Va. Mag. VIII, p. 300.

[3] Cal. Col. 1574–1660, pp. 195, 207, 209, 212, 213; Va. Mag. I, pp. 416–424 *et seq.;* VIII, p. 300. The Virginia Council especially opposed those provisions of the contract designed to curtail the production of tobacco with a view to diverting the colony's energies to more staple commodities. Some of the councillors said "that his Majestie could not restrayne them in Virginia from Planting upon their owne Land what they pleased. And Pearce then alleged for a reason of such his opinion; That the officers which went to represse the Tobacco planting in England were well beaten for their labour." Va. Mag. IX, pp. 34, 35.

[4] In 1635, Goring claimed that a royal monopoly of tobacco would yield £20,000 yearly in addition to the revenue derived from the licensing system and the customs. Cal. Dom. 1635, p. 8. *Cf.* Cal. Col. 1574–1660, p. 239.

In 1636, Goring, who is somewhat unfavorably known in history as "the leader of the monopolists," made the government an attractive offer for the sole privilege of importing tobacco, — £10,000 for the first year and £20,000 yearly thereafter, over and above the existing revenue derived from the industry.[1] Accordingly in 1637, Charles again instructed the colonies [2] to produce staple commodities, and with a view to this end, requested them to consider what quantity of tobacco they would undertake to send yearly to London, and at what prices they would sell it. At the same time, it was pointed out that the Crown's revenue had been sacrificed by lowering the duties on colonial tobacco and also by repaying part of these duties when such tobacco was reëxported from England, and that if they did not obey these commands, he would in some other way "repair the loss which he sustains for their good."

These commands of the Crown were communicated to the Virginia legislature, and led to prolonged negotiations. The Secretary of the colony, Richard Kemp,[3] pointed out to the Assembly that two distinct advantages would result from such a contract; on the one hand, a large profit from their tobacco, on the other, the production of "commodities of more worthy consideration," which would counterbalance the restriction of the tobacco output. The burgesses replied to the King's instructions in a document addressed to

[1] S. P. Dom. Ch. I, vol. 321. Proceedings of Committee for Trade, June 11, 1636.

[2] The letters to Virginia and the West Indies are in Cal. Col. 1574–1660, pp. 250, 251; Va. Mag. IX, pp. 176, 178.

[3] Col. Pap. IX, 96 i.

the Governor and Council of the colony.[1] Herein they entreated "the ffree benefitt and use" of their commodity, and asked that a minimum price of twelvepence, which was considerably above the market value, be placed on all colonial tobacco, and that it be made illegal to sell for less. At the same time, they agreed, but not without reservations, to a policy of limiting the size of their tobacco crop.

This answer evaded the question of the contract. The Governor and Council [2] told the burgesses that they 'rather studied to serve their own ends than His Majesty's commands,' and that their compliance with a policy of restriction was more apparent than real. The burgesses,[3] however, insisted that they were sincere in their expressed desire to curtail the production of tobacco, but they remained firm in their opposition to a contract. In their final answer,[4] they insisted upon "the free use and benefitt in the trade of our tobaccoe w$^{ch}$ will much incourage ꝑsons of quality to adventure themselves and estates hither when they shall have ffree correspondence w$^{th}$ theire ffriends and other adventurers in England to bee ffurnished w$^{th}$ yearely supplyes. And to make the best proffitt in the case of their owne comodityes." "Many and unspeakable," they added, "are the miseryes of a contract." On April 6, 1638,[5] the Secretary of the colony forwarded to England a report of

[1] Col. Pap. IX, 96 ii.

[2] Col. Pap. IX, 96 iii.

[3] Col. Pap. IX, 96 iv.

[4] Col. Pap. IX, 96 v.

[5] Col. Pap. IX, 96. On March 22, 1638, Governor Harvey wrote to Secretary Windebank that the contract "sticks still," and that he finds in the colony no inclination to accept it, as they fear being reduced to the hard condition of the Bermudas. Cal. Col. 1574–1660, p. 266.

these negotiations, in which he frankly told the Secretary of State that in his opinion the contract would never take effect if it depended upon the yielding of an assembly, and that "if it passe otherwyse w$^{th}$out obliging all other English Plantations I may justly also feare the ruine and unpeopling of the Colonys."

In the meanwhile steps were taken in England to carry into effect the proposed monopoly. On March 14, 1638, Charles issued a proclamation,[1] which clearly stated the motives underlying this policy. Herein the King said that in spite of especial instructions given to Virginia, the Bermudas, and the West Indies to apply themselves to staple commodities, they have "hitherto wholly betaken themselves" to the planting of tobacco; that the English merchants have taken advantage of the necessities of the planters and have paid them low prices for their produce, thus deteriorating its quality; that "the vain & wanton taking of Tobacco being at length grown to an excesse & this excesse having begotten an inordinate desire thereof in those that use it," and much of the colonial tobacco being of poor quality, some English merchants "have returned the proceed of the solid Commodities of our Kingdoms by them vented in forreign parts in Spanish tobacco," and many of our subjects here have planted "great quantities of Tobacco in severall parts of this our Realme," which is "altogether un-

[1] Brit. Mus., Proclamations, Declarations, *etc.*, 1542–1688, Tract 14. On March 14, 1638, the Privy Council stated that those intrusted with the tobacco business "must have a power to reduce the vast quantities of tobaccoe w$^{ch}$ now are planted upon severall plantacons to some reasonable proporc̃on." Council Register XV, p. 26.

wholesome to be taken"; that by these means our colonies are discouraged, while those of foreign nations flourish, the wealth of the kingdom is exhausted, "the immoderate use of a vain & needlesse weed is continued, the health of our Subjects is much impaired, & their manners in danger to be depraved." As former proclamations designed to remedy these evils had not been efficacious, Charles declared that it was necessary: to regulate the planting of tobacco in the colonies and to "appoint what quantities of Tobacco shall from henceforth be imported from them"; to take into our hands "the managing all Tobacco from henceforth so to be imported" at reasonable prices, and to "commit the care & trust of the premises unto such fit Agents as wee shall nominate in that behalfe." [1] The plan was an elaborate one, designed in the main to increase the Crown's revenue and to divert the colonies from too great a reliance upon the tobacco crop.[2]

The chief of the agents appointed at this time was Lord Goring. He offered to purchase yearly 1,600,000 pounds of tobacco at sixpence a pound in the colonies or at eightpence in England.[3] Although the Virginia burgesses persistently refused to enter upon a contract, the terms proposed by Goring were deemed very favorable by a number of the most

[1] All tobacco imported "shall from henceforth be sold & delivered unto the hands of our said Agents to Our own immediate use at, & for such valuable rates & prices to be given for the same, as shall be reasonably agreed upon between the Planters, Owners & Factors thereof, & our said Agents on Our behalfe."

[2] The facts recited in the proclamation are repeated in the proceedings of the Privy Council of the same day. Council Register XV, p. 26.

[3] Col. Pap. IX, 100.

prominent Virginians, such as George Sandys, John West, and William Claiborne. They stated that, on an average of the preceding eleven years, the Virginia planters had not received more than twopence for their tobacco, while Goring's offer was sixpence; moreover, they added that the contract would enable the colony to raise staple products by lessening the production of tobacco, and would thus "convert our indeavours to better uses, then w$^{ch}$ wee know nothing can more conduce to the profit and advancement of the plantation." [1]

As the colonies were forbidden to export their crops directly to foreign markets,[2] and as on arrival in England it could be disposed of only to the tobacco commissioners, the failure to conclude a formal contract was not of decisive significance. In 1638, a number of Virginia traders complained to the Privy Council that Lord Goring and his associates had refused to pay adequate prices for the tobacco that had arrived from the colony, and requested permission to sell it after paying the customs duties thereon.[3] The Privy Council referred this petition to the tobacco commissioners,[4] who reported that "few will publiquely justify the complaint, for our price now offered consideringe the quantity w$^{ch}$ far exceeds other times, it is much more than they wold have made if this business were not on foote." The price allowed by them was fourpence exclusive of the duties which were paid by the tobacco agents.[5] The whole

[1] Col. Pap. IX, 100.

[2] This order was again repeated in the proclamation of March 14, 1638.

[3] Col. Pap. IX, 102 and 105.

[4] Council Register XV, p. 164, May 4, 1638.

[5] Col. Pap. IX, 102.

scheme was, however, apparently never fully carried into effect, partly on account of the opposition of the colonies, partly because of the troublous times and the approaching disturbances in Scotland and England.[1]

Lord Goring was, in other ways as well, prominently identified with the regulation of the tobacco industry. In 1637, he was appointed one of the farmers of the tobacco impost,[2] and furthermore, he was also connected with the licensing system which had been established a few years anterior to this. At various times, it had been suggested that retailers of tobacco in England be obliged to take out licenses.[3] In the negotiations for the contract in 1622, the Virginia Company had insisted that this system should not be applied to tobacco, but that its sale should "remaine free as hitherto it hath done."[4] Nothing was done until

[1] Letters patent for this monopoly had not been issued to Goring prior to March 14, 1638, the date of the proclamation (Council Register XV, p. 26), and a search of the patent rolls and privy seal warrants indicates that no such patent was issued to him subsequently. However, among the patents under debate in Parliament in 1640 was one for the sole importation and garbling of tobacco, and Sir John Jacob was deprived of his seat on account of his connection with it. Cal. Dom. 1640–1641, p. 271; Rushworth, Collections (ed. 1692), Part III, vol. I, pp. 53, 150.

[2] Patent Roll, 13 Car. I, Part 25, Sept. 22, 1637, and Part 41, m. 1; Customs Rolls 671. In 1639, Goring was also a member of the subcommittee for foreign plantations, the board of experts subordinate to the Privy Council's standing committee for colonial affairs. Council Register XVII, Part II, p. 680.

[3] *Cf.*, *e.g.*, Manchester MSS. p. 38, no. 312 (1623). See also Cal. Dom. 1611–1618, p. 280, and *ibid.* 1629–1631, p. 440.

[4] Virginia Co. II, pp. 61, 87; London Co. I, pp. 199, 217. The same clause appears in the proposal made by the defunct company for a contract in 1625. Va. Mag. I, pp. 307–309.

1633, when an elaborate licensing system was applied to the retail sale of tobacco in England. In part this system was designed to increase the revenue, in part its purpose was to check the consumption of tobacco.

The Privy Council carefully investigated the question, sending to the local authorities letters in which attention was called to the "long continewying complaints" made to the King of great disorders in selling tobacco, and to the desirability of reform. This, they added, "cannot be done butt bye restrayning the excesse and ungoverned venting of itt," and they therefore asked for lists of men fit to receive licenses for retailing tobacco.[1] After this preliminary preparation, on October 13, 1633,[2] Charles issued a proclamation which stated that tobacco had at first been used as medicine, but that in course of time it was taken "for wantonness and excess provoking them to drinking and other inconveniences"; that the regulations hitherto adopted for controlling the industry had not been effective mainly because the retail selling was not controlled. It was, therefore, provided that in future licenses would be required from all retailers. The sincerity of Charles's desire to

[1] April 30, 1632, to Aldermen and Burgesses of Great Yarmouth. H.M.C. IX, 1, pp. 307[a b]. *Cf.* letter same date to Leicester, and also one of Aug. 1, 1633. *Ibid.* VIII, 1, p. 436. On May 18, 1632, Southampton sent the desired list. *Ibid.* XI, 3, p. 28. The Privy Council wrote to the Justices of the Peace of the various counties, to the mayors, bailiffs, and other officers of the towns requiring them to certify in what towns and places it might be fit to suffer the selling of tobacco at retail, and how many in each place should be licensed. Patent Roll, 13 Car. 1, Part 21, June 22, 1637.

[2] Rymer XIX, pp. 474, 475. See also proclamation March 13, 1634, *ibid.* p. 552. *Cf.* Cal. Dom. 1633–1634, pp. 244, 245, 500.

diminish the consumption of tobacco is shown in the clause forbidding the issue of licenses to such as shall "keep any Tavern, Alehouse or Victualling, or otherwise sell any distilled or hot Waters, Wine, Ale, Beer or Cider in their Houses." The idea was to separate the sale of liquor and tobacco, as it was held that excesses in the one led to similar undesirable results in the other.[1] In addition to checking excessive consumption of tobacco, the scheme was also designed to increase the revenue.[2]

At the outset there were frequent violations of the system, as a result of which those who had licenses were unable to pay their annual fees.[3] On account of daily complaints of this nature, on March 16, 1637, Lord Goring and a number of others were appointed commissioners to examine into and to stop these abuses.[4] A few months later further measures were taken. The work of issuing licenses had hitherto been performed by the Privy Council, but on June

[1] The letters patent to Goring and others of June 22, 1637 state that tobacco was first used as medicine and in course of time was "taken for Wantonness & in excesse causing an excesse of drinkeing & many other inconveniences to the great impaireing of the health of divers of his majesties subjects & depraveing of their manners." Patent Roll, 13 Car. I, Part 21. This clause was apparently not fully enforced. Cal. Dom. 1635, p. 275.

[2] March 10, 1634, J. Semple (to Coke): "Here at home we are most busied about raising money by licenses to sell tobacco, and to compound with those who have built houses here about London, since the first of King James." These two methods will largely increase the yearly revenue. March 11, 1634, Sir Francis Windebank (to Coke) to the effect that he was busy every day compounding for violations of the tobacco licensing system, *etc.*, and "with such as desire licenses for tobacco, which rises very well and I hope will improve much beyond expectation." H.M.C. XII, 2, pp. 48, 49. (Coke MSS.)

[3] Rymer XX, pp. 116–118; Cal. Treasury Papers, 1556–1696, pp. 3, 4; Cal. Dom. 1634–1635, pp. 98, 395, 396.

[4] Rymer XX, pp. 116–118.

22, 1637, letters patent [1] were issued to Lord Goring and others, intrusting them with this work, and establishing an "office of Agencie for the ordering of this business," which was also committed to them. The fines and yearly rents [2] under the licensing system were granted for seven years to the patentees, who agreed to pay therefor a yearly rental of £11,000 and two-thirds of any surplus revenue in excess of this sum.

The fees demanded for licenses were not uniform, but varied with the location and extent of the territory served.[3] In 1637, at the time of the Goring patent, the aggregate annual income derived from the licenses then outstanding was £11,200, the fees varying between the extreme limits of £1 and £50.[4] In addition, a considerable revenue was derived from the fines imposed upon those selling without licenses.[5] The system naturally did not work smoothly,

[1] Patent Roll, 13 Car. I, Part 21.

[2] The revenue was derived from annual fees and also from fines imposed upon those who sold without license. Cal. Dom. 1633–1634, pp. 479, 518; *ibid.* 1638–1639, pp. 192, 332, 333; H.M.C. XII, 2, pp. 48, 49. In 1634, the office of receiver of these fines and fees was granted to William and Edward Carue (Carew), with a salary of £200. Patent Roll, 13 Car. I, Part 21, June 22, 1637; Cal. Dom. 1637–1638, p. 141. The duties of this officer were superseded by the Goring patent, but the salary continued to be paid. *Ibid.* On the grant of this office in 1639, see Cal. Dom. 1638–1639, pp. 624, 625.

[3] For details, see Cal. Dom. 1634–1635, pp. 300, 301; *ibid.* 1635, p. 384; *ibid.* 1638–1639, p. 193.

[4] Patent Roll, 13 Car. I, Part 21. In 1636, the yearly revenue of the tobacco licenses was £12,490. S. P. Dom. Chas. I, vol. 321, June 11, 1636.

[5] For details, see Cal. Dom. 1635, pp. 43, 114, 160, 161, 399. *Cf.* Brit. Mus. Egerton MSS. 2446, folio 14. In the year preceding the outbreak of the Civil War, the income from this system was £13,052. *Ibid.* 2541, folio 266. For these last two references the writer is indebted to Dr. W. H. Price.

but gave rise to continuous disputes due to various causes, such as one dealer invading the territory of another or questioning the validity of a competitor's license.[1] Besides, there were frequent instances of unlicensed selling, which required the constant attention of the tobacco commissioners and of the Privy Council.[2] In 1639, owing to a misunderstanding of the government's intentions,[3] these difficulties increased greatly. A large number of people began to sell tobacco without licenses, in consequence of which they were fined by the tobacco commissioners. But as they persistently refused to submit, the Privy Council was forced to intervene.[4] On one occasion at this time the commis-

[1] Council Register XIV, pp. 617, 636; XV, pp. 380, 518, 603, 604; Cal. Dom. 1635, p. 384; *ibid.* 1638–1639, pp. 58, 59, 74; *ibid.* 1639, p. 153.

[2] Council Register XV, pp. 151, 172, 235, 607; Cal. Dom. 1637, p. 421; *ibid.* 1637–1638, pp. 381, 405, 449, 458.

[3] On April 9, 1639, a proclamation revoked a large number of patents and commissions, amongst which was "a commission for compounding with offenders touching tobacco." Price, English Patents of Monopoly, pp. 173–175; Rushworth, Collections III, pp. 915–917. This referred to the commissioners appointed in 1635 and 1636 to prevent the growing of tobacco in England, the importation of foreign tobacco, *etc.*, but was understood by many to mean an abolition of the licensing system. Accordingly, on August 19, 1639, Charles I issued another proclamation, to the effect that the commission to Goring and others for licensing retailers of tobacco was still in force. Rymer XX, p. 348; Council Register XVI, pp. 209, 398; Cal. Dom. 1639, pp. 30, 220, 230, 231, 237, 261, 334, 335, 469. Already on March 25, 1639, a proclamation had been issued to make clear the intention to maintain this system. Proclamations, 1634–1648, Society of Antiquaries, London.

[4] Cal. Dom. 1639, pp. 142, 143, 149, 150, 201, 202, 212, 216, 220, 230, 237, 334, 335; *ibid.* 1639–1640, pp. 40, 89, 90, 91, 139, 164, 224, 225, 244, 245, 297, 326, 411, 412, 478, 580; Council Register XVI, pp. 56, 132, 166, 379, 390, 528, 664, 676; *ibid.* XVII, Part I, pp. 11, 13, 19, 95, 96, 99, 173; H.M.C. XII, 7, p. 17.

sioners applied for warrants to apprehend 134 persons who had refused to answer their summons.[1]

This licensing system implied a minute control over the tobacco industry, and was based partly on fiscal motives and partly on the desire to check excesses in consumption.[2] It led to the appointment of a number of officials whose duty was to enforce the regulations. A similar increase in the administrative machinery resulted from the prohibitions to grow tobacco in England and Ireland, and to import the Spanish-American product. Despite the frequent proclamations of James and Charles, unquestionably a considerable quantity of tobacco was grown in England, and great difficulty was encountered in enforcing the laws. In 1627, Charles said that the home-grown product has already been the great discouragement and is like to be the utter destruction of the English colonies,[3] and that great quantities of tobacco were planted in England.[4] Again in 1631[5] and in 1634,[6] he made the same statement about the amount grown in England. Similarly, in 1630, a memorial from Virginia complained that, notwithstanding the proclamations, more tobacco was planted in England than formerly, and urged

[1] Cal. Dom. 1639–1640, p. 165.

[2] In 1636, it was said: "There is less tobacco spent since the licenses by a third part." S. P. Dom. Chas. I, vol. 321, June 11, 1636.

[3] Rymer XVIII, pp. 831–835.

[4] *Ibid.* XVIII, pp. 848–851.

[5] *Ibid.* XIX, pp. 235–236.

[6] *Ibid.* XIX, pp. 553–554. On this planting in England, see also Cal. Dom. 1623–1625, p. 562; *ibid.* 1625–1626, pp. 32, 411. In 1628, Attorney General Heath informed the Clerk of the Council that a large quantity of tobacco was planted in Jersey and Guernsey. *Ibid.* 1628–1629, p. 329.

that an act of Parliament would best remedy a condition so detrimental to the colonies.[1]

When, in 1620, this policy was first adopted, the Virginia Company, as the party chiefly interested, naturally busied itself with its enforcement.[2] After the fall of the company, special warrants were issued by the government for the "displanting" of English tobacco, but the officials holding them were often subjected to harsh treatment. One of them complained of the grave affronts offered to him in divers places in Gloucestershire, and stated that, in spite of proceedings against the chief offenders instituted in the Court of Star Chamber by the Attorney General, they had gathered in their crops and daily carried the tobacco to London, where it was sold as the colonial product.[3]

On account of these violations, further steps were taken in 1635 to render effective this policy as well as the proclamations forbidding the importation of foreign tobacco. On March 11, letters patent[4] were issued, which, after reciting the various regulations covering these matters and stating that they were not fully obeyed, appointed special agents for their enforcement and for collecting the fines and penalties imposed for their violation.[5]

[1] Va. Mag. VII, p. 375.

[2] Virginia Co. I, pp. 321, 328; London Co. I, pp. 49, 51. In this work Mr. Jacob, the collector of the impost, rendered assistance.

[3] Cal. Dom. 1631–1633, p. 224.

[4] S. P. Dom. Chas. I, Case C, no. 5 A. In 1636, this commission was renewed. Cal. Dom. 1635–1636, pp. 377, 378. This was the patent revoked in 1639.

[5] John Gilby and Richard Bigge were appointed to discover all violations,

The patent further appointed Sir Abraham Dawes collector of the revenue thus arising, and also named Dawes with several others, of whom the chief was Sir Henry Spiller, commissioners with authority to compound for all offences against these regulations.

Notwithstanding these measures, tobacco still continued to be grown in England, especially in Gloucestershire and Worcestershire.[1] In 1636, on information that large quantities of tobacco were planted in various places in the former county and that the inhabitants threatened mischief to those who interfered therewith, the Privy Council ordered warrants to be issued to the constables for the destruction of these plants.[2] In addition, special warrants were issued to officers who journeyed through several counties with the object of destroying tobacco; in which services, it was reported at the time, "great quantities

"either in defrauding concealing or withdrawing from us such duties or somes of money as were due and answereable for the same or in planting or contynuing & cherishing any plant or stock of Tobacco within any of our realmes of England & Ireland. D̃nions belonging to the same or importing or bringing into any the said Realmes any manner of Tobacco of the growth of any the parts beyond the Seas or bringing in the same in any greater ꝑporc̃ons or quantities or unlading the same at any other port or places or in buying selling or uttering the same contrary to any of the said proclamac̃ons of us or of our late deare ffather or doing practising or co͞mitting any other matter or thing whatsoever touching or concerning Tobacco contrary to or in contempt of any the Restraints inhibic̃ons or matters in the said proclamac̃ons or any of them sp̃ified and conteyned."

[1] Some details on the means used to enforce this prohibition are given in the Worcestershire records. H.M.C., Various Collections (1901), pp. 309, 310, 312, 315.

[2] Cal. Dom. 1635–1636, pp. 568, 569.

have been destroyed." [1] The agents employed in this work in 1637 received £110, but, according to Lord Goring and the other farmers of the customs, their diligence was not effective, for in many places the planting continued, "the said warr[t] for extirpacon" having been violently opposed.[2] On June 30, 1638,[3] the Privy Council wrote to the Justices of the Peace of Gloucestershire regarding the resistance made "in a riotous & tumultuous manner" to these officers, and rebuked them for remissness in punishing the offenders. The following year the work of destroying the plant was described as one of great difficulty and danger.[4] As a result of this vigorous opposition, the laws were never fully enforced, and colonial tobacco was consequently never entirely freed from competition with the home-grown product.[5]

[1] These officials were William King and George Bennett. For their services in 1634–1636, they received £250, which was paid out of the farm of the tobacco impost. Customs Rolls 670.

[2] *Ibid.* 671.

[3] Council Register XV, p. 308.

[4] Customs Rolls 672. In 1639, £200 was allowed to John Reeve and George Bennett for these services. For an order to destroy such tobacco, see Council Register XVI, p. 564.

[5] In 1639, Lord Goring and the farmers of the customs reported that "the making up of English tobacco is much practised." Cal. Dom. 1638–1639, p. 546. The proclamation of March 14, 1638, stated that "many of our subjects here have planted great quantities of Tobacco in severall parts of this our Realme, which Tobacco here planted through the coldnesse of the Climate, & unaptnesse of the soil, not coming to a perfect maturitie, is altogether unwholesome to be taken." Brit. Mus., Proclamations, Declarations, *etc.* 1542–1688, Tract 14. A similar statement was embodied in the proclamation of March 25, 1639. Society of Antiquaries, Proclamations Charles I, 1634–1648.

Obviously, the development of the colonies was in manifold ways affected by this comprehensive regulation of the English tobacco industry. Moreover, as a result of the policy of confining the colonies' exports to the metropolis, the English fiscal system had become an integral part of their economic life. When, in 1621, the order to this effect was first issued, the duties on colonial tobacco aggregated twelvepence a pound, and shortly thereafter they were reduced to ninepence. As the price of tobacco fell rapidly from the abnormally high level maintained when it was produced on a small scale, these duties in the course of time became excessive. The highest price at which colonial tobacco had ever sold in England was five shillings, but already in 1621 its market value had been more than cut in two. For a few years the price remained fairly stationary, but toward the end of this decade, as a result of a rapidly expanding production, it broke violently. During the fourth decade the prices at which the Virginia crop was sold in England ranged from sixpence to probably somewhat more than a shilling a pound.[1] In other words, as the supply became plentiful, the price tended to approximate to the cost of production.

In 1628, some importers of Bermuda and Virginia tobacco petitioned the Privy Council and also Parliament against the existing duty of ninepence.[2] The well-known parliamentarian, Pym, reported thereon, and in turn the House of Commons sent a petition to the King, calling

[1] Col. Pap. IX, 100. *Cf. ante* p. 94.

[2] Cal. Col. 1574–1660, p. 91, nos. 53, 54; Lefroy I, pp. 479, 480; H.M.C. IV, 1, p. 19 (House of Lords MSS.); Commons Journal I, pp. 908, 914.

attention to the fact that the existing duty was greatly in excess of the five per cent stipulated in the colonial charters. In reply to this, Charles I said that he would take the matter into consideration.[1] At the time he took no radical step, merely abating the duties in special instances,[2] and in 1631 he even issued a new schedule without lowering the rates.[3] But in 1632, the duties were greatly reduced; thereafter Virginia and Bermuda tobacco had to pay only twopence a pound for subsidy and the like amount for impost, while all other English colonial tobacco had to pay sixpence, of which one-half was for the subsidy and the other for the impost.[4]

From these duties on tobacco there was derived a considerable revenue.[5] According to the prevailing custom,

[1] Commons Journal I, p. 914.

[2] Cal. Col. 1574–1660, pp. 93, 101; Cal. Dom. 1628–1629, p. 204; *ibid.* 1629–1631, p. 59; Va. Mag. VII, p. 373.

[3] Warrant Book 32, Privy Seal of March 1, 1631; Sign Manual Grants and Warrants, Chas. I, vol. 42, bundles 23, 24; Signet Office, Documents Aug. 1630 to Oct. 1634. According to this warrant, Spanish and foreign tobacco was to pay *2s.* a pound, that of the English West Indies *1s.*, and that of Virginia and the Bermudas *9d.* The importation of foreign tobacco was, however, prohibited by the proclamations. On above, see also Cal. Col. 1574–1660, pp. 125, 128; Cal. Dom. 1629–1631, pp. 475, 476, 522.

[4] Warrant Book 33, Privy Seal of March 21, 1632. *Cf.* also Customs Rolls 667. The duty on the prohibited Spanish tobacco was continued at 18*d.* for impost, and for subsidy, 6*d.* on roll and 4*d.* on leaf tobacco. *Cf.* Cal. Dom. 1631–1633, pp. 276, 291.

[5] Proceeds of the tobacco impost less the cost of collection:

| | |
|---|---|
| June 24, 1615 to Aug. 9, 1617 | £7484 |
| April 26, 1618 to Sept. 29, 1618 | 3104 |
| Sept. 29, 1621 to Sept. 29, 1622 | 1541 |
| Sept. 29, 1622 to Sept. 29, 1623 | 7968 |
| Sept. 29, 1623 to Sept. 29, 1624 | 6390 |

Customs Rolls 911, 912, 913, 914, 915. *Cf.* H.M.C. IV, 1, p. 314.

they were farmed; the subsidy produced about £10,000,[1] and the impost a similar amount. In 1632, the impost was granted for five years at an annual rental of £10,000, but the net amount payable into the exchequer was reduced by some seemingly unavoidable deductions to £6850.[2] In 1637, Lord Goring undertook the farm at an annual rent of £11,000, which was reduced in the same manner to £7850.[3] Thus, the taxes on tobacco constituted a not negligible part of the government's revenue. In 1636, the total income derived in various ways from the industry was officially estimated at about £42,000.[4]

From an exhaustive examination of the complicated conditions that prevailed, it would appear that in ultimate analysis the bulk of this revenue was paid by the English consumer, and not by the colonial producer. Furthermore, it is unquestionable that the English government

[1] S. P. Dom. Chas. I, vol. 321, June 11, 1636. The subsidy at this time yielded £9580.

[2] The farmers were Sir Paul Pindar, Sir John Wolstenholme, Sir Abraham Dawes, and Sir John Jacob. From the rent was deducted £150 for the salary of the collectors, and also £3000 in payment of a yearly pension granted in 1632 for twenty-one years to the Earl of Carlisle in consideration of his surrender of the duties on West Indian tobacco, which had been granted to him in 1628. In addition, from this rent was deducted a pension of £500 which had been granted in 1619 for thirty-one years to Lady De La Warr, in consideration of her husband's services to Virginia. Customs Rolls 667, 668, 669, 670. *Cf.* Cal. Dom. 1629–1631, pp. 552, 556. On the De La Warr pension, see also Cal. Col. 1661–1668, pp. 76, 79, 80, 81.

[3] Two other men were associated with him in this farm, whose term was for seven years. Customs Rolls 671, 672; Patent Rolls 13 Car. I, Part 25, Sept. 22, 1637, and Part 41, m. 1.

[4] Proceedings of a Committee for Trade, June 11, 1636. S. P. Dom. Chas. I, vol. 321.

could have derived at least an equally large revenue from the industry had no tobacco been produced in the colonies. At the time, however, both of these facts were obscured. The prevailing ideas as to the shifting and incidence of taxation were extremely crude, and there was also a tendency to regard this comparatively large revenue as a national advantage resulting directly from the possession of colonies producing tobacco. Consequently, there developed in the colonies some feeling of resentment at what was considered an excessive taxation of their staple crop, and in England a tendency to measure the value of colonies by the extent to which taxes on their products swelled the income of the English exchequer.

In its entirety, this many-sided and intricate regulation of the tobacco industry was a characteristic product of the mercantile system. It was based on the fundamental idea that the interests of the individual should be wholly subordinated to those of the commonwealth, and that it was the duty of the government to arrest any development that tended to jeopard the nation's welfare and strength. The exclusion of foreign tobacco debarred the English consumer from a superior product and proceeded both from a desire to benefit the colonies and also from the mercantile aversion to purchasing from foreigners. In so far as the colonies obviated this necessity, they conformed to the basic economic idea in which, at the time, a policy of colonial expansion found its theoretical justification. The contracts were devised not only to offset the loss in revenue resulting from the exclusion of foreign

tobacco, which paid considerably higher duties than the colonial product, but also to increase the government's income. The monopoly system was, however, applied to tobacco before the colonial industry had become of commercial importance, and was originally distinctly a measure of domestic, as opposed to imperial policy. When extended to the colonial product, especially in the proposed contracts of the thirties, it had the additional object of restricting production, and of diverting the colonies from what was considered a too exclusive reliance on a precarious, useless, and even noxious crop. The licensing system was inaugurated both to prevent the excessive consumption of tobacco in England, and also to increase the Crown's revenue. As the Stuarts needed a large non-parliamentary income in order to maintain their *jure-divino* theory of kingship, the fiscal motive throws much light on their domestic and colonial policies. Its importance should neither be minimized nor exaggerated; although always present, it did not exclude other considerations of broader import and scope. Thus the prohibitions imposed upon the producer in England and Ireland were only in part designed to protect the exchequer. Naturally whatever tobacco was grown in England would to some extent lessen the quantity imported and so impair the customs revenue. Primarily, however, the aim was on the one hand, to protect the home consumer from what was deemed an inferior and an unwholesome product, and on the other, to encourage the development of the colonies.

In all of its phases this elaborate system implied an adjustment of the economic life both of the metropolis [1] and of the colony to the gradually developing ideal of a self-sufficient empire. Many distinct benefits were conferred upon the colonies in compensation for the restrictions imposed, and at the same time, many sacrifices were demanded from the English producer and consumer in return for the advantages derived from the possession of transmarine dependencies. The chief advantage to the colonies consisted in the monopoly of the home market resulting from the exclusion of foreign and the prohibition of home-grown tobacco. This prohibition was of utmost importance to the colonies. Thus in 1630, Virginia asserted that

[1] Although the colonies were not dependencies of Ireland, they enjoyed a monopoly of the Irish market as well. The growing of tobacco there was absolutely prohibited, as was also the importation of foreign tobacco. (Rymer XVII, pp. 621–624. 1624.) But colonial tobacco could be imported into Ireland only through London. (Rymer XIX, pp. 235–236; Cal. State Papers, Ireland, 1625–1632, p. 597. 1631.) As in England, so in Ireland also was introduced the system of granting the sole monopoly of importing tobacco in return for an annual rent, and in 1637, it was also suggested that the English licensing system be imitated. (Cal. Ireland 1633–1647, p. 163.) The monopoly system was introduced by the famous Lord-Deputy, Strafford, and with the customs duties was farmed at the outset for £5000 and subsequently for £10,000 yearly. (Rushworth Collections (ed. 1706) III, p. 471; Cal. Ireland, 1633–1647, pp. 253, 254; *ibid.* 1647–1660, p. 234.) On the outbreak of the troubles immediately preceding the Civil War in England, considerable opposition to this monopoly developed, and in 1641 Charles abolished it. (H.M.C. IV, 1, p. 59[a]; Rushworth, Collections (London, 1692), Part 3, vol. III, p. 53; Cal. Ireland 1633–1647, pp. 253, 254, 261, 294, 317, 318.) In 1641, this Irish monopoly figured prominently in Strafford's impeachment. The twelfth article of the accusations against him was based on his actions in reference thereto. (Rushworth, Collections (ed. 1706) III, pp. 471–475.

the planting of tobacco in England would ruin the colony.[1] Under the existing tariff, tobacco grown in England could outsell the colonial product, and it is not improbable that, even without this protective barrier, the English tobacco planters would have prospered on account of their proximity to the consuming market. This policy was opposed in the House of Commons, one of whose members said in 1621 that very good tobacco was grown in England and that its prohibition was "against the Liberty of the Subject."[2] On the part of the English farmers, the opposition was so protracted and violent that it indicates clearly the profitable nature of the industry. Though not completely enforced, this policy sacrificed the economic interests of some Englishmen, while at the same time, a distinct advantage was bestowed upon the colonies. The reciprocal element, which was a characteristic feature of the old English colonial system, was conspicuously present in this measure. It resulted directly from an agreement made in 1620, whereby, in return for the prohibition of the growing of tobacco in England, the Virginia Company agreed to pay customs duties which, while considerably lower than those levied on the foreign product, were still greatly in excess of the amount stipulated in its charter.

[1] Cal. Col. 1574–1660, p. 113.

[2] Commons Journal I, p. 605. At this time also, the famous jurist, Sir Edward Coke, in accordance with his oft-expressed views on the Crown's powers to legislate by proclamation, asserted that this prohibition was "against the Freedom of a Subject," and could be legally effected only by Parliament. *Ibid.* p. 579. *Cf.* p. 581.

# CHAPTER VII

## THE RESTRICTIONS ON THE COLONIAL EXPORT TRADE

An analysis of the economic ideas underlying the early English colonial movement leads to the conclusion that the chief function of the dependencies was to supply England with commodities that were essential to her development, but which she herself could not produce. From this fact it inevitably followed, that the colonies would not be permitted freely to export their produce to foreign countries, because in the eyes of the English government such action would nullify the most fundamental of the reasons that justified a policy of colonial expansion.[1] But the intimate commercial relations between mother country and colony were also in part due to other factors.

[1] On Dec. 12, 1633, Emanuel Downing wrote to Secretary Coke, defending Massachusetts against the accusations brought against the colony. Of these, the chief was that "in tyme they will revolt from theire Alleadgeance & joyne in trade w$^{th}$ strangers and soe deprive the land of those staple commodityes w$^{ch}$ that country may afoard us." Coke MSS. In 1663, Samuel Fortrey wrote: "I conceive no forein Plantation should be undertaken, or prosecuted, but in such countreys that may increase the wealth and trade of this nation either in furnishing us, with what we are otherwise forced to purchase from strangers, or else by increasing such commodities, as are vendible abroad; which may both increase our shipping, and profitably employ our people; but otherwise, it is always carefully to be avoided, especially where the charge is greater then the profit, for we want not already a country sufficient for double our people, were they rightly employed; and a Prince is more powerfull that hath his strength and force united, then he that is weakly scattered in many places." Fortrey, Englands Interest and Improvement (Cambridge, 1663), p. 39.

Very early in the history of English colonization, it was recognized that there existed in the colonies a marked tendency toward political independence, and that economic ties would strengthen the political framework of the Empire. Thus in 1623, a leading member of the Virginia Company asserted that if the colony sought a foreign market for its produce, this would in time, "produce an independence vpon this Kingdome mutuall comerce beinge the strongest bond yt will vnite Virginia to this State." [1]

Moreover, apart from any question of colonial policy, the intense rivalry that prevailed between the various European states tended to confine the colony's trade to the metropolis. The age was distinctly national in temper, and the weakness of the cosmopolitan spirit was a check on the development of international trade. Differences in languages, customs, laws, and political institutions contributed to make trade follow the flag. This tendency was reinforced by the conflicting claims of the rival nations to American territory. The titles to these lands were extremely irregular until, in the second half of the seventeenth century, a series of treaties gave them an international sanction. At the outset, however, the same territory was often claimed by two or more states. Thus the land granted to the New England Council in 1620 was claimed by France and was invaded by the Dutch.[2] Obviously no one violating the Spanish claims under the papal bull would take the products acquired in the disputed area

[1] Virginia Co. II, p. 241; London Co. II, p. 70.

[2] Gorges, A Briefe Narration, p. 40.

to Spain. The inevitable result would have been confiscation.[1] Similar results would have followed, if foreigners had taken the commodities of regions claimed by England to that country. Thus in 1632, a Dutch ship coming from New Amsterdam was seized in England, and although, at the earnest request of the ambassador of the United Provinces, Charles I ordered the vessel and her cargo released, he at the same time declared, 'that if the Dutch remain there without his license, they shall impute it to themselves if hereafter they suffer.'[2] Such a threat was sufficient to prevent similar ventures in the future.

In addition, the colonies could not export their produce to a large number of places, because England's foreign commerce was to a great extent controlled by companies, whose monopolistic privileges barred other subjects of the Crown from trading in a considerable portion of Europe.[3]

[1] During his first voyage to the West Indies, undertaken in 1562, John Hawkins "fraighted also two other hulkes with hides and other like commodities, which hee sent into Spaine." Spain naturally confiscated these cargoes obtained in her American possessions. Hakluyt X, p. 8; Corbett, Drake and the Tudor Navy I, p. 82; Channing, History of United States I, p. 118.

[2] Cal. Col. 1574–1660, p. 154; Cal. Dom. 1631–1633, p. 349. On June 26, 1632, at a meeting of the New England Council, it was held that this ship might be seized in accordance with the terms of their patent. Her cargo consisted of 7000 weight of beaver, and of other commodities. Rec. of the Council of N.E., pp. 107, 108, 112. For details of this seizure, see Cal. Col. 1574–1660, pp. 141, 142, 144; N. Y. Col. Doc. I, pp. 50–60; Baxter, Gorges III, pp. 252–257; Dean and Tuttle, John Mason, pp. 293–295.

[3] *E.g.* The Levant Company (Hakluyt V, p. 197; *ibid.* VI, p. 837); The Eastland Company (Commons Journal I, pp. 710, 793). *Cf.* Cunningham, Eng. Industry and Commerce, Modern Times; Bonnassieux, Les Grandes Compagnies de Commerce, *passim.*

From these broad economic and political facts, strengthened by other considerations of minor importance, there resulted a tendency to confine the colonial export trade to the mother country. Ultimately this became a cardinal principle of English colonial policy. But at the very first, there were marked indications of this outcome. The history of English colonization in America dates from 1496, when Henry VII issued letters patent to John Cabot and his sons. The patentees were granted a monopoly of the trade to such countries as might be discovered, and merchandise imported thence was exempted from the payment of customs duties. In return for these privileges, the King reserved to himself one-fifth of the profits of each voyage, and in order to secure this share, the vessels were obliged to return to the port of Bristol.[1] Similarly, from the wording of the other charters of this nature granted by Henry VII, it may also be inferred that it was the intention to confine to England any trade that might result in consequence of these enterprises.[2]

Owing largely to the disturbed and unsettled condition of England, this early movement was abortive, and it was

[1] "Ita tamen, ut ex omnibus fructibus, proficuis, emolumentis, commodis, lucris & obventionibus ex hujusmodi navigatione provenientibus, praefatus Johannes, & filii ac haeredes, & eorum deputati, teneantur & sint obligati nobis pro omni viagio suo, toties quoties ad portum nostrum Bristolliae applicuerint (ad quem omnino applicare teneantur & sint astricti) deductis omnibus sumptibus & impensis necessariis per eosdem factis, quintam partem capitalis lucri facti, sive in mercibus, sive in pecuniis persolvere." Hakluyt VII, pp. 141 *et seq.*; Hazard I, p. 10.

[2] Biddle, Cabot, p. 312; Rymer XIII, p. 37; Hazard I, p. 11. *Cf.* Beer, Commercial Policy of England toward the American Colonies, pp. 17, 18.

only after a considerable interval of time that the work was resumed in the commercial, exploring, and colonial activity of the second half of the sixteenth century. In 1553, an expedition under Chancellor and Willoughby was undertaken for the discovery of a northeast passage to India. Sebastian Cabot was governor of the company responsible for this enterprise, and he prepared the instructions for its regulation. One clause thereof explicitly provided that all commodities obtained for the company were to be kept in one mass "until the shippes shall returne to the right discharges (in England) to the intent the Kings Majestie may be truly answered of that which to his grace by his grant of corporation is limited," and also in order that the company may not be defrauded and everything be done openly.[1]

This expedition did not discover the desired route to the rich East, but it inaugurated commercial relations between England and Russia. In 1555, Philip and Mary granted to the Muscovy Company a monopoly of this commerce.[2] From the instructions issued by this company to its pursers in 1556, it is evident that the aim was to export English goods to Russia, and in turn to import the products of that country, and hence the company's ships were ordered to return to England.[3] This resulted not from any command of the sovereign, but from the fact that the company's primary object was to supply England with Russian produce. Although this company was not

[1] Hakluyt II, p. 201, § 20.

[2] *Ibid.* pp. 304 *et seq.*

[3] *Ibid.* pp. 321, 322, §§ 11, 12.

obliged to bring all the returns from Muscovy to England,[1] it was in general taken for granted by the government that the trading companies, to which exclusive privileges had been granted, would bring home the commodities obtained by them. This was not explicitly stated in the charters, but was a direct implication from the fact that the government expected these companies to supply England with commodities that would otherwise have to be purchased at enhanced prices from foreigners.[2] At the same time, this tentative policy was strengthened by the fact that the Crown was interested in the increased customs revenue which necessarily would result from these enlarged imports. Both of these factors are clearly indicated in the history of the Levant Company.

In 1581, Elizabeth issued a charter to this company, which obligated the patentees to export and import sufficient merchandize to pay yearly £500 in customs.[3] In 1592, a new charter was issued, which stated that as the Levant Company was likely "continually to bring into this our Realme a much greater quantitie of forren commodities from the forren Countryes, places, or territories aforesaide, then here can be spent for the necessarie use of the same, which of necessitie must be transported into other countryes," therefore this surplus was allowed to be reshipped free of export duties, provided of course that

[1] Elizabeth's charter to the Muscovy Company, granted in 1566, distinctly allowed the direct exportation of merchandise from Russia to Flanders. Hakluyt III, pp. 89, 90.

[2] *Cf., e.g.*, Barbary Company's patent of 1585. *Ibid.* VI, p. 420.

[3] *Ibid.* V, p. 199.

the import duties thereon had been paid.[1] Obviously this company would not continually have imported into England more merchandize than was needed and have paid customs thereon, unless there had existed some implied obligation for such action.

In the charter issued by Elizabeth in 1584 to Adrian Gilbert, the injunction to return to England is perfectly clear and categorical. The object of the patentees was to discover a northwestern passage to the Far East, but in addition, trade and settlement were also contemplated. The charter reserved to the Crown a fixed proportion of the gold, silver, and precious stones that might be discovered, "the sayd tenth to bee delivered duely to our Customer, or other officers by us, our heires or successors thereunto assigned, in the Portes of London, Dartmouth, or Plimouth, at which three places onely the sayde Adrian Gylbert, and his sayde associates, their sayde heires and assignes, shall lade, charge, arrive, and discharge all maner of wares, goods, and merchandizes whatsoever to the sayde voyage, and new trade belonging or appertaining." [2] The specific motive of this injunction was to safeguard the Crown's financial interest in the enterprise.

The commercial and colonial expansion of the age were integrally connected movements. The same men were interested in both fields of activity, and the patents for the colonizing companies were modelled on those issued to the incorporated traders. The distinguishing difference between them and the purely commercial associations

[1] Hakluyt VI, p. 80.

[2] *Ibid.* VII, p. 377.

was that, in addition to trade, the settlement of the land was also contemplated. Naturally, the commercial activities of both were conducted on the same lines. Apart from the policy of the government, the trading companies were wont to instruct their ships to return to England in order to prevent peculation and fraud. This has been illustrated in the case of the Muscovy Company, and was a natural result of the system of joint trading then very prevalent. For instance, the method adopted by the East India Company during the first decade of its existence was to obtain subscriptions for a voyage to the East. Part of this money was invested in merchandise, part was used to fit out the expedition, and part was retained in the form of cash. The intent was to secure Eastern products, which were to be shipped to England, where the proceeds thereof, and sometimes even a part of the merchandise itself, was divided among the adventurers in proportion to their subscriptions.[1] Under such circumstances, in order to retain control over the commercial operations, it was advisable, if not absolutely necessary, that the vessels should bring their Eastern cargoes to England.

The companies that colonized America were formed on the same pattern, and naturally adopted the customary methods of trade. The underlying idea that the products of America were to be brought back to England is clearly seen in the contract of 1582 between Sir Humphrey Gilbert and the merchant adventurers subscribing for an interest in his enterprise. This provided that Southampton, "and

[1] W. W. Hunter, History of British India I, p. 292.

no wher els w$^{th}$in the sayde kingdome" of England was to be a "perpetuall staple receipt and repository," where all goods laden in America were to be discharged.[1] In 1606, James issued the famous charter under which the settlement of Virginia was effected and the way paved for the colonization of New England. This patent contained no clause specifically enjoining the shipment of the products of the proposed colonies to England, but that this was the intention of the government is made apparent in the royal instructions concerning the undertaking. Therein James commanded the adoption of a system of commercial operations, which was based on that of the great trading companies.[2] For the first five years there was to be one joint stock, or at most two or three, and during this period the adventurers were to choose from their own numbers one or more companies, each consisting of three persons at least, resident at or near London, or at such other places as the council should think fit, to take charge of all merchandise exported to Virginia, and of the imports thence. A similar provision was made for the trade of the proposed northern colony, which was to be carried on by companies resident at or near Plymouth in Devon. Furthermore, it was distinctly commanded "that the trade to, and from any the colonies aforesaid should be managed to and from such ports and places, within our realme of England, as is before in these articles intended." The intention of bringing to England the products of the colony

[1] Slafter, Sir Humphrey Gylberte, pp. 279, 280; Cal. Col. 1675–1676, p. 13.

[2] Hening I, pp. 67 *et seq.*; Brown, Genesis I, pp. 64 *et seq.*

is even more clearly evident in the orders of the Royal Council for Virginia to Christopher Newport, the leader of the first colonizing expedition.[1] He was instructed to load his ships in Virginia with "all such principal commodities and merchandize as can there be had and found, in such sort as he may return with the said ships full laden with good merchandizes."

The same course of trading was pursued after the reorganization of the Virginia Company in 1609. The trade was to be carried on for the account of the company, and after seven years the profits were to be divided. The entire charge of settling and maintaining the colony was to be borne by the joint stock, and no merchandise was to be brought from the colony for private account. "As we supplie from hence to the Planters at our owne charge all necessaries for food and apparel, for fortifying and building of houses in a joynt stock," the company semi-officially stated, "so they are also to returne from thence the encrease and fruits of their labours, for the use and aduancement of the same ioynt stocke, till the end of seuen yeares." [2]

A similar policy was pursued by the Newfoundland Company, which in 1610 received a patent that closely followed the Virginia charter of 1609. Although the most advantageous market for codfish was southern Europe, yet the instructions issued in 1610 to the Governor, John Guy, were to the effect that the fish, and also such masts and timber as could be obtained, should be sent to Eng-

[1] Dec. 10, 1606. Brown, Genesis I, pp. 75 *et seq.*

[2] Nova Britannia, pp. 23, 24, in Force I, no. 6.

land.[1] Furthermore, the Bermuda Company, which was similarly organized, pursued the same policy regarding the colony's products.[2]

It is thus apparent that the method of trading adopted by the colonizing companies, and which in the case of the Virginia Company had been enjoined by the government, tended to necessitate the shipment of the colony's products to England. When the colonial charters were issued, it was on the implied assumption that this would be done, for otherwise, the chief economic advantages anticipated from the movement would have been forfeited. With some exceptions, the colonial patents of the Stuarts do not, however, contain provisions directly bearing on this matter. In view of the fact that Raleigh intended to exploit a rich mine, of whose product one-fifth was reserved to the Crown, it is not surprising that the charter of 1616 plainly commanded him to return to England or to the dominions thereof, with such gold, silver, precious stones, or whatever other merchandise he should think fit.[3] This clause was inserted in order that the Crown might not be defrauded of its due share of the proceeds of the undertaking. A similar clause, with the same object in view, had also been inserted in the patent issued to Richard Penkevell in 1607.[4]

[1] Prowse, Newfoundland, pp. 94–96.

[2] Lefroy I, pp. 112, 113, 115; II, p. 592. [3] Rymer XVI, pp. 789, 790.

[4] Penkevell and his associates were incorporated as the "Collegues of the Fellowshipp for the Discoverie of the North Passage." Permission was granted to settle the land that might be discovered, and the patentees secured a monopoly of the trade. In return, the Crown reserved for itself one-fifth of the gold, silver, and precious stones that might be obtained, "the said fifte

The other colonial charters are not explicit on this point.[1] From certain clauses in some of them, it may be inferred that the colonial products had to be shipped to England, while others seemingly contemplated the possibility of direct commercial relations between the colony and foreign countries. A number of the charters contained a clause allowing the patentees to import their products freely into any ports of England and Ireland and, if need be, to reëxport the same within one year to any place in amity with England, provided always that the customs duties thereon had been paid, "beyond which we will that the inhabitants of the aforesaid province . . . shall not be burdened." [2] Obviously

to be delyvered duely to our Customers or other Officers, by Us our Heires or Successors thearunto assigned in the Ports of *London, Bristoll, Dartmouth*, or *Barstable*, at which foure Places onely the sayde Richard Penkevell and his Associates theyr Heyres and Assignes shall lade chardge aryve and dischardge all manner of Wares Goods and Marchandize whatsoever to the said Voyage and new Trade belonging and apperteyning." Rymer XVI, pp. 660–662. This is virtually a copy of the clause in Adrian Gilbert's patent of 1584.

[1] Thus the clause in the Bermuda charter of 1615, which gave to the company a monopoly of the colony's trade, prohibited all but members of the company from exporting merchandise "out of the saide Islandes or any parte thereof into anie Forraigne pts or into any our kingdomes upon paine of forfeiture." Col. Entry Book XVIII, pp. 1–46; Lefroy I, pp. 95, 96. This, however, did not allow the company to export from the colony directly to foreign countries. The Nova Scotia patent of 1621, which was issued by the Scotch Crown, distinctly contemplated direct trade, both as regards imports and exports, between the proposed colony and foreign countries. Slafter, Alexander, p. 140. This resulted from the fact that, at this time, Scotland had virtually no commerce, and could not be expected either to supply the colony or to consume its produce.

[2] This is quoted from the Maryland Charter. Maryland Archives, Council 1636–1637, p. 9; Mereness, Maryland, pp. 515, 516; Scharf, Maryland I,

this clause was based on the expectation that the colony's products would be shipped to England, but another provision in the same charters evidently contemplated the possibility of direct commercial intercourse between the colony and foreign nations. This clause gave jurisdiction to the patentee over all persons sailing to the colony "or thence returning, out-ward bound, either to England, or elsewhere, whether to any part of our, or of any foreign dominions, wheresoever established." [1]

Thus, although in general it was the understanding of the government that the colony's products would be shipped to England, this policy was not as a rule given definite expression in the colonial charters. Under their provisions, the colonizing companies could legally ship their produce directly to foreign markets.[2] At the beginning, there was

p. 57; Preston, Documents Illustrative of American History, pp. 72, 73. In a slightly modified form, this clause was in the Earl of Carlisle's West India charter of 1627 (Col. Entry Book V, pp. 1–12); in the Earl of Montgomery's West India charter of 1628 (S. P. Dom. Ch. I, Warrant Book 25, no. 22; Ch. I, Docquets 1627–1628, 14, Feb. 19, 1628); in the Guiana Company patent of 1627 (Patent Roll, 3 Car. I, 1627, Part V, no. 6); in Heath's Carolana charter of 1629 (Col. Rec. of No. Ca. I, p. 12).

[1] The clause as quoted above is from the Maryland charter of 1632. Mereness, *op. cit.* p. 511. In its Latin form this clause reads: "Aut inde reduentes extra vel ad Terram Angliae vel extra vel ad aliqua Domina nostra vel aliena ubilibet constituta." Poore I, pp. 812, 813. In the Earl of Carlisle's patent for the West Indies of 1627, this clause reads: "From thence returning to England or any other place or to any other of our dominions anywhere appointed." In Heath's Carolana patent of 1629, the clause reads differently: "Either returning from thence either outward to England or outward to any other dominion of ours." Col. Rec. of No. Ca. I, p. 8.

[2] On Dec. 12, 1633, at the time of the attacks on the Massachusetts charter, Emanuel Downing, John Winthrop's brother-in-law, wrote to the Secretary

no inducement for the Virginia Company to adopt such a course, but in 1621 it became advisable to establish direct commercial relations between the colony and the United Provinces.

In accordance with a practice then customary, the sole privilege of importing and selling tobacco in England was rented to patentees. As soon as the colonial production of tobacco became of commercial importance, the companies interested in the development of Virginia and of the Bermudas were vitally affected by this system. In 1620, they registered a complaint against the monopoly, because under its terms only the patentees could import tobacco into England; and in response thereto, the King allowed them to import 55,000 pounds.[1] On July 18, 1620,[2] the Virginia Company considered this matter, and decided that, as the quantity apportioned to Virginia was too small "to be divided amongst such a multitude of people w$^{th}$ any shaddow of Content," the entire 55,000 pounds should be apportioned to the Bermudas. It was further determined to import no Virginia tobacco into England that year, but to ship the crop to Flushing, Middelburg, or elsewhere. Committees were appointed to make the necessary arrangements, especially to negotiate with the

of State, Sir John Coke: "Whereas their Patent byndes them to yeald his Ma$^{tie}$ the 5$^{th}$ pte only of the Oare, the undertakers here will ꝑsuade the planters to accept a new patent and thereby be bound to transport noe masts &c for cordage and shipping but into old England for further assurance to ꝑcure a law there for this purpose." Coke MSS.

[1] Virginia Co. II, p. 68; London Co. I, p. 205.

[2] Virginia Co. I, pp. 405, 406; London Co. I, pp. 87, 88.

United Provinces as to the customs duties. Satisfactory arrangements were made,[1] and accordingly, when the *Bona Nova* arrived from Virginia with a cargo of tobacco, the company ordered her immediately to depart for Middelburg.[2] This order naturally attracted the attention of the Privy Council, which summoned some of the members of the Virginia Company, and demanded "the Companies answere wheither or noe they would bringe all theire Comodities into this Kingdom." [3] The company, on October 17, 1621, concluded that this could not be done without "fallinge into very great inconvenyencies," and decided to draw up its reasons against such a step.[4] In this elaborate memorial,[5] the company petitioned that they might enjoy their former freedom of trade and not be bound to send all their produce to England and pay customs there, 'howsoever markets rule abroad.' In support thereof, they asserted that English subjects generally enjoyed the freedom of carrying their commodities to the best market, and that the proposed restrictions had not been imposed upon the Muscovy Company or upon any other ancient corporation. They also pointed out that Virginia was either beginning or was likely to produce many commodities, such as fish, caviar, pipestaves, sassafras, sarsaparilla, and the poorer quality of tobacco, which could not be profitably disposed of in England; and that they had

[1] Virginia Co. I, p. 422; London Co. I, p. 94.

[2] Virginia Co. I, pp. 504, 505; London Co. I, pp. 134, 135.

[3] Virginia Co. I, pp. 526, 527; London Co. I, pp. 141, 142.

[4] *Ibid.*

[5] Virginia Co. I, pp. 528, 529; London Co. I, pp. 142–144.

begun to send cattle from Ireland to Virginia, and had contracted to send tobacco there in return. Furthermore, they called attention to the fact that the company had no authority to compel the private planters in Virginia to ship their tobacco to England.[1]

The Privy Council was not satisfied with this reply, but said that they had not intended that the Company "should give aunswere touchinge the bringinge in all their Commodities butt onely that of Tobacco whereby the King's last years revenue might be still vphelde."[2] As, however, no satisfactory arrangement could be made with the holder of the tobacco monopoly, the company resolutely adhered to its position and requested the privilege of disposing of its tobacco in the manner most advantageous to the colony.[3]

The Privy Council declared this an undutiful answer,[4] and on October 24, 1621,[5] issued an order, which stated that the King had granted large immunities and privileges to the colony in the expectation that it would apply itself "unto such courses as might most firmly incorporate y$^{t}$ Plantation unto His Commonwealth & be most beneficiall to the same, w$^{ch}$ will best be done if the Comodities brought from thence were appropriated unto his Ma$^{ts}$ subjects &

[1] They could not forbid these planters to trade with the ships that carried passengers to Virginia, 'most of which afterwards proceed on other voyages and return not directly for England.'

[2] Virginia Co. I, p. 530; London Co. I, p. 144.

[3] Virginia Co. I, pp. 531, 532; London Co. I, pp. 145, 146.

[4] Virginia Co. I, p. 537; London Co. I, p. 147.

[5] Col. Entry Book LXXIX, pp. 201, 202.

not communicated to fforeign Countries but by way of Trade & Commerce from hence only"; that the Virginia Company had settled a magazine in a foreign country, which course could not be permitted, "neither in policy nor for the hon$^{r}$ of ye state (that being but a Colony derived from thence) as also for that it may be a Loss unto his Ma$^{ty}$ in His Customs, if not the hazarding of y$^{e}$ Trade w$^{ch}$ in future times is well hoped may be of much profitt use & importance to this Commonwealth." Therefore the Privy Council ordered that tobacco and all other products of Virginia should be first landed in England and the customs thereon paid, before being shipped to foreign countries.[1] Thus, on the first organized attempt to establish a direct trade from Virginia to a foreign country, the English government categorically asserted the principle, that the colony's export trade should be exclusively confined to the metropolis.

This order seriously concerned the Virginia Company, and was discussed at its meeting held on November 21, 1621. Action was, however, deferred, as it was expected that Parliament would legislate in favor of the colonies.[2] In 1621, the House of Commons passed a bill which gave Virginia and the Bermudas a monopoly of the English market by totally excluding Spanish and other foreign tobacco; but the Lords failed to concur in the measure.

[1] Sandys asserted that Jacob, the holder of the tobacco monopoly, was instrumental in securing this order. London Co. I, p. 205. "The Discourse of the Old Company" attacked Middlesex for his part therein, and said that the order was "to the enrichm$^{t}$ of his private friends." Va. Mag. I, p. 161.

[2] Virginia Co. I, pp. 564, 565; London Co. I, pp. 156, 157.

This bill would have solved the difficulty and would have been an immense boon to the colonies, since England could easily have consumed their entire output. Shortly after its failure, the negotiations were entered upon which culminated in the tobacco contract of 1622. According to its terms, the companies were granted a virtual monopoly of the English market. Under these circumstances, the colonial crops would naturally be shipped to the mother country, and the order of 1621 would have lost most of its significance.

But when it became evident that the opposition would be successful and that this contract would be abrogated, the question of confining the colony's exports to England again assumed its former importance. Early in 1623, one of the officials of the customs service suggested that the contract be annulled, and that the two companies be obliged to bring all their tobacco to England, paying there an import duty of twelvepence a pound. In connection with this proposition, the Lord Treasurer said that in view of the fact that the companies had received so many favors from the King, "he held it most vnfitt they should nowe carrie their Commodities any other where then into his Ma^ts^ Dominions: and therefore concluded that whither Contract or no Contract, all must be brought into this Kingdome to paye custome whereby his Ma^ts^ Revenue might be aduanced." [1] Shortly thereafter, on hearing that some ships had sailed from the colonies for Holland, the Privy Council issued an order that tobacco and all other com-

[1] Virginia Co. II, pp. 297, 298; London Co. II, pp. 109, 110.

modities of Virginia and of the Bermudas "should be brought directly home for England." [1]

At the company's meeting of March 5, 1623, Sir Edwin Sandys strenuously opposed this measure, making use of the arguments employed before, and in addition pointing out that while Spain confined the export trade of her colonies to herself, she at the same time also prohibited the importation of competing products. If the same favor were granted to English colonies, he added, "they would gladly yeald obedience to that comaund." On the same occasion, another member called attention to the fact that the Spanish colonies had been founded at the public expense, and that the government maintained garrisons in them, together with a great navy for their defence, "whereas o^r^ Plantacons were both setled and supported by the charge of priuate Aduenturers." [2] The company accordingly adhered to its position and again remonstrated against the order of the government.[3]

[1] Virginia Co. II, p. 305; London Co. II, p. 115. The formal order of the Privy Council was dated March 4, 1623. Virginia Co. II, pp. 321, 322; London Co. II, pp. 126, 127; Cal. Col. 1574–1660, p. 40.

[2] Virginia Co. II, pp. 315–317; London Co. II, pp. 125, 126. This statement was amended to the extent that they had "had helpe by his Ma^te^ grace of some Collecc̃on and Lotteries w^h^ had bin expended meerely vpon the publique." Gorges's statement that the Virginia Company had received from the King "several free gifts, divers great salaries, and other great advantages, to the value (as I have understood) of five or six hundred thousand pounds" is a gross exaggeration. Gorges, A Briefe Narration, pp. 33, 34.

[3] On March 7, 1623, the matter was again discussed by the company. The same arguments were used by Sandys and an answer was prepared by him and Christopher Brooke on behalf of the two companies. This merely repeated what had been advanced in the previous remonstrances. Virginia Co. II, pp. 322–327; London Co. II, pp. 128–132.

In the meanwhile the discussions about the contract of 1622 were drawing to an end. The abrogation of the contract meant the opening of the English market to Spanish tobacco, which, above all else, the companies dreaded, asserting that it would result "in the vtter ouerthrowe of y^e^ Plantacons, for that thereby the Tobacco would be brought downe to nothing." In order to obviate this, on April 17, 1623, the Virginia and the Bermuda Companies appointed a committee to secure the support of the Lord Treasurer for a petition to the King, to the effect that they might have the sole privilege of importing tobacco into England (with the exception only of 40,000 pounds of Spanish tobacco to be imported yearly), in return for which they would agree to bring in all their tobacco, and do their utmost to persuade the colonies to act in a like manner.[1]

This petition secured a favorable hearing, and on April 28, 1623, the Privy Council formally annulled the moribund contract, and granted to the Virginia and the Bermuda Companies the sole privilege of importing tobacco into "His Ma^ts^ Dominions . . . so that alwayes all the Tobacco of those Plantations be brought directly hither into England, to w^ch^ purpose an Act of Councill was heretofore made."[2] The agreement was distinctly in the nature of a bargain. As Sandys had suggested, the Spanish example[3] was followed.

[1] Virginia Co. II, p. 366; London Co. II, p. 166. "And if the Colony shall not consent therevnto, then the bargaine to be dissolved."

[2] Col. Entry Book LXXIX, p. 204. Printed in Va. Mag. XV, pp. 132–133; Lefroy I, pp. 293, 294.

[3] The Spanish practice dates from the second voyage of Columbus in 1493. Am. Hist. Assoc. 1894, pp. 452 *et seq.*

In return for a monopoly of the English market, the companies, on behalf of the colonies, agreed to a policy of restriction. Both the interested parties made sacrifices: the English consumer was deprived of a superior commodity, and the royal exchequer suffered through the exclusion of foreign tobacco which paid higher duties than did the colonial product; on the other hand, the colonial export trade was confined to England.[1] Just as in 1620, in consideration of the prohibition of growing tobacco in England, the Virginia Company had agreed to pay customs duties in excess of those stipulated in its charter, so in 1623, the companies consented to a policy of restriction in return for a virtual monopoly of the English market.[2] In other words, very early in the history of the Empire, the reciprocal element was a characteristic feature of the English colonial system.[3]

This action of the English government differs in some

[1] In his essay on "Plantations," Francis Bacon opposed this general policy, and said that colonies should have "freedom to carry their commodities where they make their best of them, except there be some special cause of caution."

[2] A comparatively small quantity of foreign tobacco was allowed to be imported.

[3] Simultaneously with this order, the import duties on tobacco from the colonies were also reduced from 12*d.* to 9*d.* a pound. This concession on the part of the government was of less importance than the exclusion of foreign tobacco, but in part induced the companies to promise "that they would thence forward bring in all the tobacco exported from Virginia and Bermudas into His Majesty's dominions." Manchester MSS., H.M.C. VIII, 2, p. 37, no. 293. Nicholas Ferrar claimed that the reduction of the duty did not counterbalance the bad effects of the Privy Council's order. The Rich party, however, showed that Ferrar's computation was misleading, because "he speaks not one word of the benefit of sole importation that accompanies the 9d., whereas before we paid 12d., and all other tobacco came in." *Ibid.* p. 43, no. 354. This illustrates admirably the reciprocal nature of the agreement.

important respects from the policy that obtained at a later date. These early orders of the Privy Council were specific and referred only to Virginia and the Bermudas, while the parliamentary legislation of 1660 and of subsequent years embraced the Empire as a whole. Furthermore, at this time, none of the products of these two colonies were permitted to be shipped directly to foreign countries; the fully developed policy was more discriminating and restricted the exportation only of certain specifically designated commodities. The policy of James, however, referred chiefly to tobacco, because at the time this was virtually the sole colonial product of commercial importance.

In 1624, chiefly in order to prevent the growing of tobacco in England and its illegal importation, a proclamation ordered that all colonial tobacco be brought to London.[1] In the following year, with the object of carrying into effect the proposed royal monopoly, a similar order was again issued.[2] These proclamations referred to all colonial tobacco, not to that of Virginia and the Bermudas alone; but at this time, only a small quantity of tobacco was produced in the other English settlements. Charles I continued his predecessor's policy. Similar instructions were issued [3] and the proclamation of February 17, 1627, ordered that all colonial tobacco, whether of the West Indies or of the two older tobacco-producing colonies, should be shipped only to London.[4] The specific object of this proclamation

[1] Rymer XVII, pp. 621–624. Sept. 29, 1624.

[2] *Ibid.* pp. 670–671. March 2, 1625.

[3] Cal. Col. 1574–1660, p. 84.

[4] Rymer XVIII, p. 849. The proclamation of Jan. 6, 1631, renewed this

was not to restrict the colonial export trade, but to enable the government to enforce its policy of prohibiting the planting of tobacco in England and of excluding the Spanish product. Similarly, some months later, in connection with the scheme for a tobacco monopoly, Sir Robert Heath, then Attorney General, instructed the Virginia government to take good security that all tobacco shipped should be landed

order. *Ibid.* XIX, pp. 235, 236. On the same day, the Privy Council wrote to the farmers and officers of the customs not to receive tobacco anywhere but at London. Cal. Col. 1574–1660, p. 125. On Jan. 13, 1632, an English merchant stated that on account of a leak in the ship, he had been unable to take his tobacco to London, and petitioned that the officers of the customs at Barnstaple should be allowed to receive reasonable duties thereon. *Ibid.* pp. 138, 139. This petition was denied. Cal. Dom. 1631–1633, pp. 141, 252, 253. The Privy Seal of March 21, 1632, granted permission "to all men that tobaccoe may from hence forth be brought into anie porte of this our kingdom where there is a custome thereof." S. P. Dom. Ch. I, Warrant Book 32. The proclamation of May 19, 1634, however, ordered all tobacco to be brought to London in order to prevent smuggling and other frauds. Rymer XIX, pp. 553, 554. In 1634, a vessel that had arrived at Plymouth with tobacco from St. Christopher was not allowed to enter its cargo there, but was ordered to go to London. Cal. Dom. 1634–1635, pp. 300, 301. In 1635, a ship, whose cargo was tobacco, and which, it was claimed, had been driven into Bristol by storm, was ordered to proceed to London, "otherwise the gentlemen in the country will fill themselves with that tobacco to the prejudice of his Majesty's lessees licensed here." *Ibid.* 1635, p. 18. *Cf. ibid.* p. 22. The proclamation of March 14, 1638, again ordered that all tobacco exported from the English colonies be first imported at London and entered at the custom-house before it could be exported to foreign countries. Brit. Mus., Proclamations, Declarations, *etc.*, 1542–1688, Tract 14. In 1639, however, the farmers of the customs and imposts represented to the Privy Council that this regulation had led to smuggling, which injured them and interfered with the licensing system. Accordingly, on Feb. 17, 1639, the Privy Council ordered that the Lord Treasurer should be authorized to allow the importation of tobacco at Plymouth, Dartmouth, Bristol, and Southampton. Council Register XVI, p. 101. *Cf. ibid.* p. 166.

at London.[1] In 1628, likewise, the Crown instructed the Governor of Virginia, Sir John Harvey, that the products of Virginia should be sent to England and not elsewhere, "upon paine of our high displeasure and condigne punishment of the offenders." [2]

The foregoing regulations distinctly provided that all English colonial tobacco, not only that of Virginia and the Bermudas, should be shipped to England. At the same time also, further measures were adopted to prevent the direct shipment of other colonial products to foreign countries. Instructions were issued to the ships of the navy to require all vessels coming from the colonies to bring their cargoes to some port in England.[3] In 1634, Captain John

[1] Col. Pap. IV, 33. "That you take good security & send the same into England consigned to the L^d^ Treasurer Chauncellor of the Exchequ^r^ or Attorney Generall, that they land their Tobacco in the port of London"; and "that you observe the same courses for the yeares to come for transportacon hither as you are directed for this yeare."

[2] Va. Mag. VII, pp. 267, 268; Cal. Col. 1574–1660, p. 116.

[3] At least as early as 1631, this administrative measure was applied to ships from Virginia. On April 12, 1631, the Privy Council wrote to Captain John Mennes that there was at Plymouth a vessel from Virginia with a cargo of tobacco, which it was intended to convey to the United Provinces; and instructed him to compel the master thereof to give security to proceed to London. In reply, Mennes wrote that he had received the warrant to stay this vessel as well as the *Love* and the *Christopher & Mary,* and that the two former were believed to be in London. Cal. Dom. 1631–1633, pp. 7, 8, 14, 15. On April 8, 1632, Captain Henry Stradling wrote to Secretary Coke that a ship belonging to Queensferry in Scotland from Virginia with a cargo of tobacco and wood, the property of some London merchants, had come to anchor in the Downs, and that he had put men on board to take her to London. *Ibid.* p. 304. Under the date of May 31, 1632, Sir John Penington recorded in his journal that "the 10^th^ Whelpe sett sayle and stood up for

Penington received orders to this effect,[1] and the following year, upon information that ships coming from the West Indies, the Bermudas, Virginia, and the other English colonies, took their cargoes to foreign countries, "to the King's great loss in his customs," the Privy Council ordered the Admiralty to cause such ships to proceed to some English port. Accordingly, the Lords of the Admiralty instructed Robert, Earl of Lindsey, to take effectual care to meet such ships and to take from their masters bonds obligating them to go to England.[2] In 1634, in pursuance of these instructions, Penington, on meeting a large Dutch vessel bound for Holland from St. Christopher with tobacco and cotton, sent her to Plymouth, as the greater part of the cargo belonged to Englishmen.[3] Shortly thereafter, Penington re-

Gorend, havinge order to put men aboard of the Falcon of London — which came from Virginia laden with tobacco — and to carry her up the river Thames to the Port of London." H.M.C. X, 4, p. 277.

[1] Cal. Col. 1574–1660, p. 115; Cal. Dom. 1633–1634, p. 33; *ibid.* 1634–1635, pp. 143, 190, 191.

[2] Should the master refuse, Lindsey was to put on board the ship sufficient men to bring her to London. Cal. Col. 1675–1676, p. 78; Cal. Dom. 1635, p. 73; H.M.C. X, 4, p. 286.

[3] Penington wrote to the Lords of the Admiralty that he hoped he had not done amiss, as his instructions did not extend to such Dutch vessels. Cal. Col. 1675–1676, p. 75; Cal. Dom. 1634–1635, pp. 190, 191. There is extant Sir John Penington's "Jornall of my voyge as Admirall for the gard of the Narrow Seas," which throws important light on the administration of this restrictive policy. Under the date of Aug. 9, 1634, he recorded: "Wee mett with the —— of —— in Holland fraighted by Englishmen at St. Christophers with tobacco and Cotton, who were resolved to go for Holland, but that wee prevented them by sendinge the first Whelpe alongst with them for Plimouth, and there to deliver them over to the deputy farmers of his Majesty's customs." H.M.C. X, 4, p. 284. The Lords of the Admiralty approved of Penington's course, and instructed him to take similar action in regard to any other vessels coming from the English colonies. Cal. Dom. 1634–1635, p. 203.

corded in his journal: "We sent one of our Master Mates and 6 men aboarde the Alexander that came from the Barbados, with order to carry her up to London, the Captain beinge minded notwithstandinge his bond to goe over for Holland." [1] In the following year, this officer compelled a ship from the same colony, with a cargo of cotton and fustic, to proceed to London.[2] Likewise, in 1635, another naval officer reported that he had obliged the masters of two vessels from St. Christopher to give bonds to proceed to London.[3] Furthermore, in 1637, Penington wrote to the Admiralty that he had manned and sent to London two ships with tobacco, one from St. Christopher, the other from Barbados, as their masters had stubbornly refused to give bonds to go to that port.[4] These instances show clearly the comprehensive nature of the Stuart policy in reference to the colonial export trade. Though not explicitly embodied in one broad, general regulation, it embraced all the colonies and all their products.[5]

In the eighteenth century, the policy of confining certain specifically enumerated colonial exports to England was predominantly based upon broad economic grounds. The virtual total disappearance of the fiscal motive is shown by the fact that ultimately the two most important of these enumerated products — sugar and tobacco — paid no duties whatsoever in England in the course of transshipment. At the outset, however, the financial note was strongly emphasized. Fundamentally, the policy rested upon the idea that the colony

[1] H.M.C. X, 4, pp. 285, 286.
[2] *Ibid.* p. 292.
[3] Cal. Dom. 1634–1635, pp. 497, 498.
[4] *Ibid.* 1637, p. 519.
[5] On account of its anomalous position, Newfoundland was excepted.

should furnish England with commodities that she could not produce, or less preferably, with products that could be sold advantageously to competing European nations. Hence the colonial export trade was confined to the mother country. The mediæval institution of the staple town, where alone certain products could be bought or sold, was applied to colonial commerce. England was to be the sole market for English colonial produce. In addition, however, stress was laid upon the fact that such merchandise, when imported into the mother country, paid duties and thus increased the revenue. Thus in 1636, it was urged that all colonial tobacco "be sent for the Port of London to the intent his Ma^te^ may not only be answered his Customes, but allso that the staple of that Comodity may be theyr." [1]

In the policy of the earlier Stuarts, this fiscal motive was unquestionably very prominent, because it was only by means of an adequate income that they could maintain their independence of Parliament. But it must be noted that, when this policy was definitely adopted in 1621–1623, it was coupled with the prohibition to import foreign tobacco and also with a reduction of the duties. This implied not an increase but a decrease in the royal revenue, especially as foreign tobacco paid considerably higher duties than did the colonial product.[2] In other words, the adoption of this policy meant a distinct diminution of the customs revenue. At that time also, the colonial output was

[1] Col. Pap. IX, 18 i. This idea is also clearly enunciated in the instructions of 1641 to Governor Berkeley. See *post*, p. 206 n.1.

[2] They were *2s.* as against *9d.*

not in excess of the amount required for consumption in England, and consequently the English duties had but little effect upon the colonial planter.

Owing to the extensive development of this industry in Virginia and its spread to the English West Indies, the colonial crops soon tended to exceed the rapidly increasing English consumption, and consequently considerable quantities had to be reëxported from England to other markets. Unless the English duties were repaid on that portion thus reshipped, they would constitute virtually a direct tax on the colonies for the benefit of the English exchequer. In 1610, it had been provided that on reëxportation of foreign commodities from England, the impost thereon should be repaid.[1] This drawback system had also been tentatively applied to colonial products, but under Charles I this privilege was withdrawn.[2] In 1628, a complaint against the high duties on tobacco was made to Parliament. In connection therewith, the House of Commons drew up a peti-

[1] Patent Roll 8 Jac. I, Part 30, m. 6. "For the better mayntenance of trade & Comerce in all forraigne comodities," on reëxportation "all such some & somes of money as were formerlie paid for the Impost" shall be refunded. For a further extension of this system, see Coke MSS., H.M.C. XII, 2, p. 5. The extensive development of this system dates from the Restoration period, and was due to the desire to emulate the Dutch, and to make England a great international entrepôt. *Cf.* Henry Robinson, Briefe Considerations concerning the Advancement of Trade and Navigation (London, 1649), p. 6, and same writer's Certain Proposalls (London, 1652), p. 11.

[2] The account of the collectors of the tobacco impost for 1623–1624 shows that in accordance with the letters patent of 1610 a drawback of 3*d.* a pound, the amount of the impost, was allowed on 8802 pounds of Virginia and Bermuda tobacco reëxported. Customs Rolls 915. This is the only instance to be found in these accounts.

tion to the King stating that it was a grievance that the importers of colonial tobacco were "denied a return of any part of the imposition, though all other merchants both strangers and natives receive back what they have formerly paid." [1] A few years thereafter, in 1631, Charles ordered that, on reshipment, the entire amount that had been paid for the impost on tobacco should be refunded.[2] This impost at the time amounted to sixpence on Virginia and Bermuda tobacco and to ninepence on that of the West Indies. The subsidy of threepence a pound was, however, not repaid. The following year the duties were considerably reduced. The total duties on Virginia and Bermuda tobaccos were then established at fourpence, of which one-half was subsidy, the other impost. All other English colonial tobacco had to pay sixpence, divided in the same manner. As in the order of the preceding year, it was provided that the impost should be refunded on reëxportation.[3] That is, one-half of the total duties was drawn back,[4] a regulation greatly mitigating the restrictive nature of this policy.[5]

Naturally this comprehensive policy could not be carried

[1] Cal. Col. 1574–1660, p. 92.

[2] "If anie of the severall sorts of tobacco aforesaid shal be exported againe out of this kingdome within one yeare after the same shal be imported," all sums paid for the impost shall be refunded. Warrant Book 32, Privy Seal of March 1, 1631.

[3] Warrant Book 33, Privy Seal of March 21, 1632.

[4] There was a distinct and well-recognized financial loss in adopting this system of drawbacks. *Cf.* Charles I to Governor and Council of Virginia, April 22, 1637. Cal. Col. 1574–1660, p. 251.

[5] In the Maine charter of 1639, it was distinctly provided that merchandise from the colony reëxported from England should be entitled to a drawback equal to the impost paid. Poore, p. 779; Baxter, Gorges II, pp. 123–148.

fully into effect, mainly because the English government had no officials resident in any of the colonies, except in Virginia.[1] In connection with the execution of this policy in that colony, there were adopted measures that foreshadowed some of the characteristic features of the later administrative system. In 1627, in order to facilitate the proposed tobacco contract, Attorney General Heath instructed the Virginia government to take in future good security that all tobacco be shipped to London.[2] Although no contract was concluded, the instructions as to taking security from the ships were carried out.[3] Shortly thereafter, in 1631, with the specific object of preventing the direct shipment of tobacco to foreign countries, there was instituted in Virginia the system of requiring bonds that the tobacco be landed at London.[4] This system was extended to the other

[1] A number of statements, made during the discussions about the abortive contract of 1622, show how difficult it was to enforce the regulations confining the colonial export trade to England. In the course of negotiations, Middlesex claimed that the King's share should consist of one-third of all the tobacco exported from Virginia; but he desisted when Sandys pointed out that the colonial crops belonged not only to the company, but also to private associations and to individual planters, and that the company had no authority to command these latter owners to ship their tobacco to England, but that they were free to carry their property to any market whatsoever. Virginia Co. II, p. 82; London Co. I, p. 212. In opposition to the contract it was claimed that it would ruin the planter and force him to "seeke forraigne marketts for his Commodity." Virginia Co. II, p. 241; London Co. II p. 71.

[2] Col. Pap. IV, 33.

[3] Feb. 27, 1628, Governor West and the Council to Sir Robert Heath. They were unable to contract on his Majesty's behalf for the tobacco, but "they have taken security for landing the same at the port of London." Va. Mag. VII, pp. 258, 259.

[4] In 1630, a memorial from the government of Virginia suggested "that all

products of the colony, and was enforced throughout the entire period.[1] The English government likewise ordered that such bonds be taken in some of the other colonies, but on account of the absence of royal officials, this measure was

masters of ships give bond to the Governor of Virginia to take all commodities laden from that colony to England." Cal. Col. 1574–1660, p. 113, no. 84; Va. Mag. VII, p. 375. On Jan. 7, 1631, the Privy Council wrote to Governor Harvey that bonds should be taken in Virginia to bring all the tobacco to London. Va. Mag. VII, pp. 385, 386.

[1] Cal. Col. 1574–1660, p. 176. On Aug. 16, 1633, and on July 14, 1634, the Privy Council instructed the Governor of Virginia to take bond that all goods be landed in England. Council Register X, p. 86. In 1637, the farmers of the customs said: "Wee find that by Virtue of an Order of the Board heretofore made, the Master of the Shipp was bound in a Bond of £1000 to return w^th^ his lading from the English Plantac̃ons into England." Council Register XIII, p. 456. In 1639, a petition recited that a London ship, which had given bond for £1000 to go from Virginia to London with her cargo of tobacco, had proceeded to Holland, and prayed for the benefit of this bond, which was granted. Cal. Dom. 1638–1639, p. 294. Among the Virginia records of probably the same year is an entry, granting permission "to transp. Tob'o by way of N. Engl'd but secur. to be given not to unlade any where but at London acc. ord'r privy Council." Va. Mag. XIII, p. 393. Instructions to this effect were sent to Virginia by the English government in 1636, 1639, and 1641. Cal. Col. 1574–1660, pp. 239, 286; Chalmers, Political Annals, pp. 120, 132, 133; Va. Mag. II, p. 281; *ibid.* XI, p. 54; Greene, The Provincial Governor, p. 225. The instructions issued in 1641 to Sir William Berkeley, as Governor of Virginia, read as follows: "You bee very carefull that no ship or other vessell whatsoever depart from thence fraighted with Tobacco or other commodities w^h^ that country shall afford, before Bond w^h^ sufficient sureties be taken to Ma^ties^ use to bring the same directly unto his Maj^ties^ Dom'nions and not else where, and to bring a Bill of Lading from home that the staple of those comodities may be made here, whereby his Maj^tie^, after so great expence upon that Plantation and so many of his Subjects Transported thither, may not be defrauded of what shall be justly due unto him for custom and other duties upon those goods. These Bonds to be transmitted to ye Councill here, and from thence to ye Exchequer, that ye Delinquent may be proceeded with according to due course of Law."

seemingly less effectually executed in them than it was in Virginia.[1]

Moreover, in Virginia, a special official was appointed to enforce this policy. In 1636, Charles I instructed the Governor and Council to appoint a competent person with adequate fees to keep a register of all exports from the colony, and to send copies thereof yearly to the Lord Treasurer in England.[2] On receipt of this instruction, the Virginia Assembly created an office for this purpose, and granted to its incumbent a fee of twopence for every cask of tobacco exported, and proportionate fees for other products.[3] Richard Kemp, then Secretary of the colony, was appointed to this office by the Governor and Council. But at about the same time, Jerome Hawley, who had suggested this measure,[4] was appointed by the English government as Treasurer of Virginia. His main duty was to collect the quit-rents, but he was also authorized to keep the register of the colony's exports.[5] Upon his arrival in Virginia, Hawley, much to

[1] In 1631, the Privy Council instructed the Bermuda Company to take sufficient bonds "w$^{th}$ sureties that they bring it (the tobacco exported from the colony) to the port of London w$^{ch}$ his M$^{te}$ hath made the staple wher this comoditie is to bee permitted & not elsewher." Lefroy I, p. 521. Similar instructions were sent to the Earl of Carlisle as proprietor of the West Indies. Cal. Col. 1574–1660, pp. 124, 125. In 1634, Penington mentioned a vessel from Barbados whose master was "minded notwithstandinge his bond to goe over for Holland." H.M.C. X, 4, pp. 285, 286.

[2] Cal. Col. 1574–1660, pp. 239, 287; Va. Mag. IX, pp. 40, 41. This was the forerunner of the "Naval Office Lists," which in the eighteenth century were forwarded with considerable regularity to England, and which give minute details of the trade of the various colonies.

[3] Va. Mag. IX, p. 175.

[4] See Hawley's memorial on tobacco. Col. Pap. IX, 18 i.

[5] Cal. Col. 1574–1660, p. 243; Va. Mag. IX, pp. 176–178.

Kemp's annoyance, successfully claimed the office and the fees attached thereto.[1] Shortly thereafter, however, Hawley died, and Kemp then again resumed this work.[2] This was the first colonial customs office established for imperial purposes. It was created by the local legislature in consequence of instructions from the Crown, and its incumbent was to be appointed by the colonial executive. Jerome Hawley, however, was appointed by the Crown, and is the first of that large body of royal customs officials who at a later date were prominent in the administration of the Empire.[3]

As far as Virginia was concerned, there is every reason for believing that this policy was effectually executed, and that there was little direct trade from the colony to foreign countries. Unquestionably some violations occurred, but these were evidently of a sporadic nature.[4] This is apparent not

[1] Cal. Col. 1574–1660, pp. 251, 287, 288. On account of this, there developed considerable friction between Kemp and Hawley. Va. Mag. IX, pp. 268, 426. For some interesting details, see Calvert Papers I, pp. 149, 150, 152, 153.

[2] *Ibid.* and Va. Mag. III, pp. 21–34.

[3] This office was the direct predecessor of the collectors, naval officers, and other customs officials of the post-Restoration period. In 1638, owing to a complaint of some English merchants, the collection of these fees was suspended. Cal. Col. 1574–1660, p. 281; Va. Mag. XI, p. 46. Hawley contended that, as a result of this office, "His Ma^ts^ customes from hence wilbe much better understood then heretofore they have bein," meaning that in future it would facilitate the detection of frauds in the English customs revenue. N. Y. Col. Doc. III, p. 20.

[4] In the first two years of Charles's reign, there was some direct trade to Holland, apparently because the policy of the new government was not clearly understood. Cal. Col. 1574–1660, p. 84. In 1634, the Privy Council referred to some ships that had taken tobacco directly to Holland. Council Register X, p. 86. In the same year also, Charles I stated that the exactions of the English merchants had forced the colonies to send most of their tobacco to

only from the fact that the system of taking bonds was carefully enforced, but also from other considerations. In 1633, a Dutch trader in America, De Vries, came to Virginia in order to procure a supply of corn for his return voyage to Holland. In his account of this visit, De Vries distinctly says that thirty to forty ships came yearly to Virginia to take tobacco to England.[1] This statement indicates that but very little, if any, was shipped elsewhere. Similarly, in 1636, the Secretary of Virginia informed the English government that twenty-one ships had arrived in James River, and were being freighted with tobacco for London.[2] In the following year, some dyeing-wood, which had been disposed of in Virginia by a Dutch privateer, had to be shipped to England, where its importation was prohibited, because there was "no intercourse of shipping" from the colony to the United Provinces.[3] As considerable risk was

foreign parts. Rymer XIX, p. 561. This statement was grossly exaggerated, and was based on Governor Harvey's despatch of May 27, 1632. Therein he wrote that the English merchants demanded excessive prices for their wares, and that "our intrudinge neighbours, the Dutch, doe allowe us" far better prices for tobacco. Va. Mag. VIII, p. 149. In connection with this despatch, the traders, of whom Harvey had complained, strongly advised the exclusion of foreigners from the trade of the colony, because they wished to free themselves from this competition. In their report, which was naturally partisan, they stated that the benefits to be derived from Virginia would be "wholly loste if strangers be pmitted to sende & transporte the Comodities of that plantacon into fforraigne ptes as now they do." Col. Pap. VI, 81.

[1] De Vries, p. 37.

[2] Va. Mag. IX, pp. 38, 39.

[3] Cal. Dom. 1637, pp. 97, 148. As dyeing-woods were considered harmful to the cloth, their use had been prohibited by Parliament in Elizabeth's reign. (Commons Journal I, pp. 121, 124, 130, 131, 134, 135, 136; House of Lords MSS H.M.C. VII, 1, pp. 165[a], 165[b].) In the letters patent of July 5,

incurred, it is obvious that such forbidden merchandise would not have been shipped to England, if any other course had been practicable. Furthermore, in 1638, Jerome Hawley informed Secretary Windebank that a Dutch ship had arrived in Virginia and desired to take a cargo of tobacco to Sweden "w$^{ch}$ being contrary to his Ma$^{ts}$ instructions, the Govern$^{r}$ excused himself thereof." [1] These details indicate fairly conclusively that the law was strictly enforced.

Although there were no royal officials in the Bermudas, the colony had but little direct trade with foreign nations. This was in part due to the fact that the company enjoyed a monopoly of the colony's trade, and in order to safeguard it and retain control over its commercial operations, ordered the products of the settlement to be shipped to England.[2] An instance similar to the one cited in connection with Virginia indicates that the law was effectually enforced. A

1608, James laid an impost of 10*s* on every hundredweight of such "false & deceavable dying woodes," not to dispense with the penalties which the laws imposed upon those importing it but as these laws were not duly executed, to decrease the use thereof. The letters patent of Sept. 5, 1610, however, again absolutely prohibited the importation of these woods, and provided that all found in England was to be burned, "according to the lawe in that case provided." (Patent Roll 8 Jac. I, Part 30, m. 6.) In 1630, this prohibition was renewed. (Rymer XIX, p. 157.) Consequently there was considerable risk in shipping this wood from Virginia; it could not be imported into England, and it was not certain that permission would be granted to transship it to foreign countries. *Cf.* Council Register XIII, p. 456.

[1] N. Y. Col. Doc. III, p. 20.

[2] On Nov. 26, 1628, the general quarter court ordered that "all the Tobaccos in the Somer Islands shall be laden (in the Company's ships) and in none other, and so brought to the Port of London." Lefroy I, p. 472.

Spanish vessel was wrecked on the Bermuda reefs, and a large quantity of logwood was recovered. The company was in a dilemma, but, in spite of the risk involved therein, shipped the prohibited commodity to England, where its fate was necessarily uncertain.[1] Although there were occasional violations, in general the Bermuda Company succeeded in maintaining its monopoly, and in preventing foreigners from taking the colony's produce to foreign countries.[2]

As far as the other colonies were concerned, there is but little evidence available. Nor was the question of so much importance, as, with the exception of Newfoundland, their commerce was not of considerable dimensions. Only toward the end of the period was Maryland becoming a factor in the tobacco trade. A provincial law passed at that time, which levied a tax on all tobacco exported to any country but England, Ireland, and Virginia,[3] indicates both that the colony was not averse to the policy of restriction, and also that there was some evasion. The violations were, however, in all probability, largely technical, as the law was apparently designed to tax tobacco shipped to other English colonies, such as Newfoundland. Over the corporate

[1] The Bermuda Company was placed in a dilemma by this matter, the importation of logwood into England being prohibited, while tobacco had to be shipped there "in respect of y^e^ Customes due upon y^e^ Comodity." The company's petition that this wood should not be confiscated was granted by the Privy Council. Lefroy I, pp. 546, 547; Cal. Col. 1574–1660, p. 261, no. 80.

[2] For some violations, see Lefroy I, pp. 275, 537, 714, 723.

[3] In March, 1639, the Assembly imposed an export tax of 5 pounds in the hundredweight on all such tobacco for the benefit of the proprietor. Archives of Maryland, General Assembly, 1638–1664, pp. 80, 81.

colonies in New England, the government had but slight authority. On the other hand, until the outbreak of the Civil War, these colonies had but little foreign trade. The energies of Massachusetts were necessarily confined to the arduous task of providing food for the immigrants, who came in a steady stream from England. The proximity of the Dutch colony to New England, however, resulted in some commercial intercourse, in which a few furs were sold by the English colonies to their foreign neighbors.[1] The English government had likewise but slight control over the English settlements in the West Indies. Only very little is known of the early history of the islands granted to the Earl of Carlisle, but the activity of the navy shows that, whenever it was possible, ships from Barbados and St. Christopher were obliged to go to London.[2]

The policy of confining the colonial export trade to England was not applied to Newfoundland, because special considerations gave to this settlement an exceptional position in the colonial system. The most advantageous market for codfish was furnished by the Catholic countries of southern Europe, and in supplying them, England had to compete with the fishermen from France and Spain.[3] Consequently fish was allowed to be exported from Newfoundland directly

[1] The trade consisted chiefly in the purchase of provisions from the Dutch. Winthrop I, pp. 124, 134; Winthrop Papers IV, p. 220.

[2] There was some direct trade from the settlements of the Providence Island Co., especially from Association Island, to Holland. Cal. Col. 1574–1660, pp. 172, 184, 196.

[3] On the Spanish fisheries at Newfoundland, see Cal. Dom. 1627–1628, p. 171; *ibid.* 1625–1649, p. 253.

to the Mediterranean countries.[1] In 1635, those Englishmen living in Devonshire, who were interested in the Newfoundland fisheries, stated that in these voyages "they return with their fish into the Straits and other places abroad." [2] Such was, however, by no means the invariable method, and to a considerable extent England was the entrepôt of this trade to continental Europe.[3] This was in part due to the depredations of the Barbary pirates, whose operations were most extensively carried on. In consequence thereof, even the trade from England to the Mediterranean was extremely precarious, but far more hazardous was that carried on directly from Newfoundland. In 1626, William Vaughan stated that the recent economic depression had in part been caused by the bad management of the Western fishermen, who went unprotected from Newfoundland to Spain, Marseilles, and Italy, and became the prey of the Moorish pirates.[4]

[1] For an instance of such direct trade, see Cal. Dom. 1611–1618, p. 426.

[2] Cal. Dom. 1635–1636, p. 30.

[3] On the export of Newfoundland fish from England, see Cal. Dom. 1631–1633, pp. 123, 137. In 1624, on the outbreak of hostilities with Spain, the Privy Council instructed the Lord High Admiral to stop the export of Newfoundland fish to Spain and Portugal, as provisions were needed in the King's service. Cal. Dom. 1623–1625, p. 414. This prohibition was evaded by shipping the fish to France and Italy. *Ibid.* p. 439. Naturally those interested in the Newfoundland fishery opposed this stoppage. *Ibid.* p. 466. In this connection also, the Commissioners of Trade reported that, if England did not supply Spain, others would, "whilst the trade to Newfoundland, so advantageous to shipping, will be injured by this restraint on sale," and moreover, that Spain might retaliate by forbidding the importation of English woollens. *Ibid.* p. 474. In 1625, there were at Plymouth 1,400,000 Newfoundland fish, which could be secured for the King's service. H.M.C. XII, 1, p. 179.

[4] Vaughan, The Golden Fleece (London, 1626) II, p. 103.

Toward the middle of the fourth decade, one of the chief violations of this policy occurred, not within the jurisdiction of the colonies, but in England itself. Vessels came from Virginia to England in compliance with the bonds given in the colony. The cargo was, however, not landed, but the ship proceeded immediately with a new captain to some foreign port.[1] In 1634, on receipt of this information, the Admiralty gave instructions to prevent such practices in the future.[2] The navy was especially instructed to assist the farmers of the customs in preventing these abuses,[3] and evidently succeeded in eradicating them.

It is thus apparent that there was considerable divergence in the different colonies as to the execution of this regula-

[1] The Isle of Wight was conveniently located for such evasions. Cal. Col. 1574–1660, p. 176. In 1630, a similar case occurred at Gravesend. Cal. Dom. 1629–1631, p. 283.

[2] On April 14, 1634, Francis Brooke sent details about this matter to the farmers of the customs. Cal. Col. 1574–1660, p. 176, no. 6. A few days thereafter, the Lords of the Admiralty wrote to John Goodwin that two ships had lately arrived at Cowes with tobacco, beaver, and other merchandise from Virginia, and that it was intended to send these ships with their cargoes to foreign parts, "in accordance with a late practice of traders from the plantations to come into the Isle of Wight, and there to shift their master (thereby to save themselves harmless from security given to the officers in the said plantations to arrive at some place in England) and afterwards by New Contracts to transport their ships so laden." Goodwin was instructed to go to Cowes, to stay these ships until they had given bond to proceed to London, and to take the same course with all other ships coming from the colonies. Cal. Dom. 1633–1634, pp. 555, 556.

[3] See warrant from Admiralty to Earl of Lindsey, May 15, 1635. H.M.C. X, 4, p. 286. The farmers of the customs were naturally especially active in seeing that the law was enforced, and that the duties were paid on the colonial products. On their activity, see Cal. Dom. 1634–1635, pp. 143, 190, 191; *ibid.* 1637, p. 494.

tion. The chief colonial product, however, was tobacco, and as has already been pointed out, the law was effectually executed in the main source of supply, Virginia. Other considerations also indicate clearly that, in general, there was little direct exportation of this product from the colonies to foreign countries.[1] The shipment of tobacco to England and thence to continental Europe unquestionably involved considerable additional expense, partly in consequence of the increased freight and other charges, but mainly on account of the duties payable in England. These amounted to twopence and threepence a pound, which at times was about equal to the price of tobacco in the colonies. It is obvious that tobacco which had paid these charges could not compete in the European markets with tobacco shipped directly from the colonies. Consequently, if tobacco was regularly reshipped from England, it may be legitimately inferred that the direct trade from the colonies to Europe was unimportant.

That considerable tobacco was reëxported from England is evident from the complaints that led to the institution of the drawback system in 1631. Moreover, in 1636, the farmers of the tobacco impost complained that they were losing

[1] In 1639, a London vessel with tobacco from St. Christopher put into the Clyde for relief, as was alleged, and was seized. House of Lords MSS. H.M.C. V, 1, p. 30[b]. In 1635, an English vessel refused to go to Calais, and brought to England from St. Christopher, partly a French and partly an English colony, some French merchants with their merchandise. These French merchants petitioned against this action, as they were loath to pay the English duties on their merchandise, which evidently consisted entirely of tobacco. Cal. Dom. 1635, p. 22.

money as a consequence of the amount of duties repaid on tobacco shipped from England.[1] Again, in 1639, it was stated that a considerable part of the total quantity imported was reëxported from England.[2] Part of these reshipments went to Ireland,[3] part to continental Europe. There was evidently a regular trade in tobacco from England to the United Provinces. Thus in 1635, a petition of merchants and seamen engaged therein protested against the action of the Ostend and Dunkirk privateers in seizing and confiscating their vessels on the ground that tobacco was contraband of war.[4]

It is impossible to estimate to what degree the economic welfare of the colonies was affected by this restrictive policy. It was without doubt to some extent burdensome to the tobacco planter. The duties retained in England on that portion of the colonial tobacco reëxported to foreign markets could probably only to some extent be shifted to the consumer, and were in part a tax on the colonies. Similarly, the additional expense involved in shipping through

[1] S. P. Dom. Ch. I, vol. 321, June 11, 1636; Cal. Dom. 1635–1636, p. 551.

[2] Cal. Dom. 1638–1639, p. 546.

[3] In 1630, it was pointed out that the regulation by which tobacco could be imported into Ireland only from England would lead to smuggling in the former country. H.M.C. VII, 1, p. 253[a].

[4] S. P. Dom. Ch. I, vol. 307, no. 92; vol. 313, no. 15. *Cf.* Cal. Dom. 1635–1636, pp. 40, 208, 214. It was asserted that tobacco was a foodstuff, and hence contraband. The court at Brussels upheld this contention. Cal. Dom. 1625–1649, p. 475. For some opposing expert opinions, see H.M.C. V, 1, p. 358. In 1641, there were a number of seizures by the Dunkirkers. House of Lords MSS. H.M.C. IV, 1, pp. 76, 113. On account of this risk of seizure, a vessel coming from the colonies would naturally be deterred from going directly to Holland.

England diminished the planter's profit. Hence it is not surprising to find that the policy aroused some opposition. In 1632, Governor Harvey, of Virginia, wrote to the commissioners intrusted with the care of the colony: "I humbly desire to be informed from your honours whether there be any obstacle why we may not have the same freedome of his Majesties' other subjects to seek our best marquett." [1] It was in order to obviate the roundabout voyage necessitated in some instances by this policy that, in 1636, the Secretary of Virginia advised the erection of a custom house in the colony, where duties, equivalent to those imposed in England, might be collected on the colony's exports. "It would be a wonderful content to the merchants," Kemp wrote, "if after his customs here discharged his Port might be free & a very great benefit to the Planter." [2] But the inseparable corollary to this policy of restriction was the

[1] Va. Mag. VIII, pp. 149 *et seq.;* Cal. Col. 1574–1660, p. 128. In 1632, also, the Virginia burgesses requested "a free trade everywhere except Tobo." Va. Mag. XIII, p. 398.

[2] Va. Mag. IX, pp. 38, 39; Cal. Col. 1574–1660, p. 232. In 1641, Lewes Roberts, a member of the East India Company and of the Levant Company, published a pamphlet, in which he urged England to adopt the Dutch practice of imposing low customs duties. One of the instances used to support his argument was the duty and charges on tobacco. He said that a vessel of two hundred tons with a cargo of tobacco, "from Barmuda, Saint Christopher, or any other English Plantation," would have to pay in England £10,000 for customs and charges, while the corresponding amount in the United Provinces would be only £200. Roberts's conclusion was that "though the said 200. tuns of Tobacco should be here againe shipped out within the yeare, and the impost repaid him, yet the merchant loseth infinitely by bringing it into the kingdome." Lewes Roberts, The Treasure of Traffike (London, 1641), pp. 60, 61, and duplicates.

exclusion of foreign tobacco from England. The monopoly thereby granted to the tobacco-producing colonies was unquestionably of considerable advantage to them, and in all probability greatly outweighed the burdens imposed by confining their export trade to England. It would, however, be futile to attempt to measure with any degree of mathematical accuracy the relative effects of these two measures.

From the foregoing, it is apparent that already under the first two Stuarts, the policy of not allowing colonial products to be shipped directly to foreign countries was clearly enunciated and consistently enforced. This regulation was comprehensive in its scope, embracing all the colonies, except that Newfoundland was exempted from its operation. In Virginia, then the only crown colony, the law was executed by means of royal officials, especially by the governors. As far as concerned the other colonies, instructions were in some instances issued by the government to the proprietor or to the colonizing company. In addition, the naval authorities were ordered to oblige ships from all the colonies to proceed to some English port. The navy displayed considerable zeal in performing this work, but the scope of its activities was limited to the waters adjacent to England. The policy rested upon the fundamental idea that the colony was to be a source of supply for the metropolis, and consequently it would have been considered the extreme of folly to allow foreigners to reap the benefits of English efforts in colonizing America. At the time, virtually the only product that the English colonies were able to furnish in large quantities was tobacco, and it was especially in connection with

that commodity that this policy was categorically enunciated by the English government. The restriction was, however, inseparably connected with another regulation securing to this colonial product a monopoly of the English market. Thus, as a whole, the policy necessitated, both on the part of the metropolis, as well as on that of the colony, sacrifices in the interest of what was deemed to be the welfare of the English nation viewed as a unit.

# CHAPTER VIII

## THE EXCLUSION OF FOREIGNERS FROM THE COLONIAL TRADE

It was a cardinal maxim of European policy that the trade of the various colonial empires should not be opened to merchants of foreign nationality; and at an early date this principle became part of English practice. Historically it was a direct outgrowth of the monopolistic privileges conceded to the trading companies. The charters that Elizabeth granted to these bodies gave them, as against other Englishmen, the exclusive right of carrying on commercial operations within a well-defined area. Thus the trade to Russia,[1] to the Levant,[2] to Barbary,[3] to Guinea,[4] and to the East Indies [5] was monopolized by companies protected by royal patents. These privileges were not granted as a result of

[1] Philip and Mary's charter of 1555 and the charter of 1566 to the Muscovy Company. Hakluyt II, p. 315; III, p. 88.

[2] The Levant Company's charters of 1581 and 1592. *Ibid.* V, pp. 196, 197; VI, p. 81.

[3] The Barbary Company's charter of 1585. *Ibid.* VI, pp. 419 *et seq.*

[4] The Guinea Company's charter of 1588. *Ibid.* VI, p. 445. In 1618, the sole privilege of trading to certain parts of Africa was granted to a company for thirty-one years. A decade or so thereafter a new company was created. Minute Grant Book, Domestic Jac. I, p. 268; Cal. Col. 1574–1660, p. 135; Cal. Dom. 1631–1633, p. 186. In 1624, the House of Commons passed a resolution that this monopoly constituted a grievance. Commons Journal I, pp. 710, 794.

[5] The East India Company's charter of 1600. W. W. Hunter, *op. cit.* I, pp. 250, 251. For other instances, see Cunningham, *op. cit.*, and Bonnassieux, *op. cit. passim.*

mere favoritism, but mainly because it was realized that, under the prevailing conditions, England could in no other way so rapidly develop her foreign commerce.

The Atlantic and Pacific of the sixteenth and seventeenth centuries were not the peaceful highways of the present age. Except fitfully, the reign of law did not extend beyond European waters. Not only was there always present the grave risk of an attack from pirates, but in addition the commercial rivalry of Europeans in distant seas often led to armed conflicts, without to any marked extent disturbing the peaceful relations of the interested European powers. Under these conditions, such foreign commerce had to be conducted in armed vessels.[1] Furthermore, in some instances trading stations had to be established, while in others considerable expense was necessary in order to secure the mere privilege of commercial intercourse. Thus the Muscovy Company paid the cost of the Russian embassies to England, as well as that of those sent by England in return.[2] The large profits

[1] In 1626, in his valuable, though fantastic book, The Golden Fleece, William Vaughan, who was personally interested in the colonization of Newfoundland, pointed out that the East India Company, the Levant Company, and the Muscovy Company had armed ships to protect themselves, and that the English vessels sailing with fish from Newfoundland to the Mediterranean were continually preyed upon by the Moorish pirates. The Golden Fleece (London, 1626) II, p. 103. These facts to a great extent explain why commerce was so extensively conducted by large companies, and not by individuals. The government did not provide adequate protection, the individual could not; the corporation to some extent could, and in turn demanded a monopoly as against others not burdened with this heavy expense.

[2] In 1649, the Levant Company stated that it had a constant charge of £10,000 for maintaining the ambassador and consuls abroad, and the officers in England. Cal. Dom. 1649–1650, pp. 11, 12.

required to meet these extraordinary charges could not have been earned, if the trade had been opened to the free competition of all Englishmen, and consequently exclusive privileges were essential to the success of these companies.

The work of colonization likewise necessitated the employment of considerable capital. The colonizing companies paid the heavy cost of transporting the settlers, of furnishing them with the essential implements and tools, and subsequently of supplying food and other necessaries, until ultimately, after a long interval, the settlement became self-supporting.[1] In addition, the patentees had to provide for the government of the colony, and to erect public buildings, as well as fortifications for its defence. In 1621, the Virginia Company stated officially that it had spent over £100,000 "withoutt returne either of profitt, or of any p$^{t}$ of the principall it selfe."[2] Similarly, in 1622 the Bermuda Company estimated that the amount invested by it was in excess of £66,000.[3] From the standpoint of the age, these were very considerable amounts. Analogous large sums were also spent in connection with the founding of the other colonies.[4] As a rule these undertakings, if viewed as in-

[1] In 1583, Christopher Carleill estimated that the cost of settling one hundred men in America would amount to £4000. Hakluyt VIII, p. 141. *Cf.* p. 148. See also *ante*, p. 49.

[2] Virginia Co. I, p. 529; London Co. I, p. 144. On the finances of this company, see also Commons Journals I, p. 591; Manchester MSS. pp. 44, 45, no. 361; Va. Mag. I, pp. 161, 162; Virginia Co. II, p. 348; London Co. II, p. 148.

[3] *I.e.* 100,000 marks. Virginia Co. II, p. 48; London Co. I, p. 194.

[4] Hutchinson stated that Gorges and Mason had each spent £20,000 in attempts at settlement. Hutchinson, Massachusetts I, p. 11 n. *Cf.* also Sir

vestments, turned out most disastrously. Thus in 1625, the adherents of the Virginia Company asserted that their colony and that in the Bermudas had been founded "at the excessive greate charges of the Adventurers & Planters & soe continued for many yeares w$^{th}$ small or noe retribution except to some few private persons." [1] This financial failure was naturally not foreseen at the outset, but it was recognized that the work would require the expenditure of considerable capital, and that an adequate return thereon could be secured only if the patentees were given the exclusive privilege of trading with the proposed colony.[2]

William Alexander, An Encouragement to Colonies (London, 1625) p. 31. In 1635, five years after the incorporation of the Providence Island Company, it was officially stated that £30,000 had been spent upon the plantation. Cal. Col. 1574–1660, p. 216.

[1] Col. Pap. III, 32.

[2] Only ultimately in the far distant future, after the colony had become a well-populated community, could the company expect to obtain a large return from its ownership of the soil. Already in 1609 it was recognized that there was no prospect of any immediate profit from Virginia. This objection to the undertaking was characterized at the time as "too brutish, and bewraies their neglect and incurious respect of posteritie: we are not borne like beasts for ourselves, and for the time present only." Brown, Genesis I, p. 300. *Cf. ibid.* p. 361. Very few members of the company, however, cared to invest for the benefit of posterity, and those who were willing to do so, naturally insisted on some provision, which would assure to them, or to their representatives, an adequate share of the future profits. Bacon, in his essay on Plantations, with characteristic keenness of insight, fully realized that such undertakings would require the investment of considerable capital, before any returns could be expected. "You must make account," he said, "to lose almost twenty years' profit, and expect your recompense in the end." Similarly, in 1637, in connection with a proposed West Indian colony, the Earl of Northumberland said that "it must constantly be pursued at great expense for some years, without expecting a present profit." Cal. Col. 1574–1660, p. 257.

Had the English government been in a position to undertake the work of colonization, it would have been possible to avoid granting these monopolistic trading privileges. The Crown's revenue, however, was totally inadequate even for domestic purposes, and Parliament refused to increase it, unless the desired concessions securing its independence were made. But even if the Stuarts had yielded on this point, it is exceedingly improbable that the government would have been able to secure sufficient funds for settling America. The English people looked askance at any increase in taxation, and favored a policy of individual enterprise subject to rigid governmental supervision. As a result the colonial movement was wholly financed by private individuals, and consequently those who ran the pecuniary risk could not afford to allow others to reap the benefits of their activity. This is clearly shown in the petition for permission to undertake such an enterprise, addressed in 1574

It was because of this fact and the resulting discouragement of the adventurers, that Gorges, as early as 1608, wrote to Cecil that the Crown should undertake the work of colonization. Baxter, Gorges III, pp. 161–164. The commercial operations of the Virginia Company were conducted apart from its general affairs by syndicates or "magazines." Evidently these also were extremely unprofitable. In 1623, Sandys said that after operating for six years, the capital of the "late great Magazine," had shrunk from £7000 to £4000. Virginia Co. II, pp. 314, 315; London Co. II, pp. 123, 124. In this connection, the following interesting suggestion of Professor H. E. Egerton may be quoted. "It is probable," he writes, "that the profits of the East India trade may have reconciled Sir Thomas Smith and other directors of the Virginia Company to the absence of dividends, just as without the returns from the Kimberley diamond mines the development of Rhodesia could not have been attempted by private efforts." Cambridge Modern History IV, p. 748.

by Sir Humphrey Gilbert and his associates to Elizabeth. They prayed "that her Majesty will give petitioners encouragement with her Royal Grant and Promise, that when their travels shall fall out to good and profitable effect, petitioners with their Company and Partners may have such assurance and privilege of her Majesty's most princely goodness, as it shall not be lawful for others to enjoy the fruit of their labours and adventures." [1] In other words, the terms of the colonial charters were not contingent upon the capricious will of the sovereign, but were the resultant of economic forces, and expressed the conditions upon which capital was willing to invest in such undertakings.[2]

Accordingly it was customary to insert in the Elizabethan colonial charters a provision, granting to the patentees the sole privilege of trade with the proposed settlements. Such clauses were in Sir Humphrey Gilbert's charter of 1578,[3] and in that of Ralcigh, issued eight years thereafter.[4] Similarly, the patent of 1584 gave Adrian Gilbert the monopoly of trade.[5]

[1] Cal. Col. 1675–1676, p. 1.

[2] In 1583, Christopher Carleill endeavored to persuade the Muscovy Company to devote itself to a commercial and colonial enterprise in America. The articles drawn up in this connection on behalf of the company show plainly on what terms capital was ready to invest. One condition was "it shall not be lawful for any of her Majesties subjects, or any other to inhabite or traffique within one hundred leagues any way of the place, where the Generall shall have settled his chiefest being or residence." Hakluyt VIII, pp. 149, 150.

[3] *Ibid.* VIII, p. 19. Gilbert was empowered to prevent any one from inhabiting or trading in the colony without his license.

[4] *Ibid.* VIII, pp. 291, 292.

[5] *Ibid.* VII, pp. 377, 378. The Penkevell patent of 1607 was modelled on this, and contained the same provision. Rymer XVI, pp. 660–662.

During the era of actual settlement, the practice was not so uniform, nor were the monopolistic privileges always of so sweeping a nature.

The Virginia and New England charter of 1606 empowered the patentees to prevent any one from settling within the limits of the grants, and allowed the two sets of adventurers to impose a tax upon anything bought or sold in the proposed colonies by such English subjects as were not members of the companies, or by aliens. In the first case the tax was to be two and one-half, in the latter five per cent.[1] The Virginia charter of 1609 doubled these taxes,[2] allowing the imposition of import and export duties of five and ten per cent on the trade conducted by the classes mentioned above. In themselves these taxes were sufficiently high to give a monopoly to the company, but in addition the fiscal privileges of the charter tended in the same direction. These were not granted to the colony; it was only merchandise imported or exported by such as were members of the company that was entitled to exemption from payment of the English duties.[3] The Newfoundland Company's patent of 1610 was modelled directly on the Virginia charter of 1609, and contained the same clauses,[4] except that the

[1] Poore, p. 1891; Preston, *op. cit.* p. 9.

[2] Poore, p. 1901.

[3] *Ibid.* p. 1900; Virginia Co. I, p. 290; London Co. I, p. 34.

[4] Cal. Col. 1675–1676, p. 37; Prowse, pp. 122–125. *Cf.* Cal. Col. 1574–1660, p. 21. This device was also copied in the Scottish letters patent for Nova Scotia of 1621. Slafter, Alexander, pp. 140–142. The Newfoundland charter of 1637 ordered the patentees to collect from all strangers five fishes in every hundred caught at Newfoundland. Col. Pap. IX, 76; Col. Entry Book LXV, pp. 11–27.

fishermen from England were allowed to pursue their customary pursuits in the proposed colony.

Some of the patents, however, granted an absolute monopoly, by virtue of which other Englishmen and foreigners could be completely excluded from all trade with the colony. Of such nature was the Bermuda grant of 1615,[1] the Guiana Company's charter of 1627,[2] and that issued to the Providence Island Company in 1630.[3] Of the various patents of this nature, the most important historically was that issued to the New England Council in 1620.[4] The Massachusetts charter of 1629 contained no monopoly features, but it was on the strength of the patent of 1620 that the trade of the colony was not thrown open to all English subjects.[5] Finally some of the colonial charters gave the patentees no monopoly of trade. Of these the most important were the proprietary grant of Maryland to

[1] Col. Entry Book XVII, pp. 1–46; Lefroy I, pp. 95, 96.

[2] Col. Entry Book IV, pp. 1–10. *Cf.* Cal. Dom. 1629–1631, pp. 550–552; *ibid.* 1631–1633, p. 81.

[3] Patent Rolls, 3 Car. I, Part V, no. 6. This clause was also in Thomas Young's patent of 1633 (Patent Rolls, 9 Car. I, Part I, no. 6; Rymer XIX, pp. 472–474), and in that of Maine issued in 1639 (Poore, p. 781). Similar privileges were granted to those Englishmen interested in settling Canada. Col. Pap. V, 2; Cal. Col. 1574–1660, pp. 128, 135, 136, 155, 156.

[4] Col. Entry Book LIX, pp. 1–28; Poore, pp. 921–931.

[5] In 1622, James I issued a proclamation prohibiting all from trading on the coast of the territory granted to the Council of New England, unless license had been obtained from the company. Rymer XVII, pp. 416, 417; Cal. Dom. 1619–1623, p. 460; Cal. Col. 1574–1660, p. 33; N. Y. Col. Doc. III, p. 2. In 1630, in response to a petition from the Massachusetts Bay Company, this proclamation against interlopers was renewed. Rymer XIX, p. 210; Cal. Dom. 1629–1631, pp. 354, 388; Cal. Col. 1574–1660, pp. 120, 121.

Lord Baltimore, and that of the West Indies to the Earl of Carlisle.[1]

The various colonizing companies naturally availed themselves of these privileges, and excluded others from trading with the colony. Thus in 1625 the Bermuda Company renewed its former prohibition of such trade, stating that the colony was "noe comonwealth but a private Inheritance inclosed to the use of the Purchasers," and that if its trade should be opened to the "shippes of Holland or of our owne coast townes w$^{ch}$ have noe interest nor inheritance" there, they would reap what we plant, and "there is noe grievance whereof we can be more sensible than of this."[2] This company naturally had some difficulty in fully enforcing its monopoly[3]; there were sporadic instances of Dutch trading in the colony, but in general, interlopers were effectually excluded.[4]

Similarly, in 1636 the Providence Island Company wrote to its representatives in the colony objecting to the trade carried on with the Dutch ships, "because being only for sack, it has tended to the increase of drunkeness, disorder, and poverty;"[5] and in the following year, it was officially said that the company took "it very ill that the comodities of the island are carried away by the Dutch," and instruc-

[1] This privilege was likewise not granted in the Avalon charter of 1623, nor in Heath's Carolana patent of 1629.

[2] Lefroy I, p. 357.

[3] In 1625, mention was made of a Bristol ship that had returned with tobacco from the colony.

[4] For details, see Lefroy I, pp. 232, 274, 275, 345, 537, 714, 722, 723.

[5] Cal. Col. 1574–1660, p. 228.

tions were sent not to permit the recurrence thereof.[1] In 1638, however, the company specifically permitted trade with the Dutch vessels.[2]

Naturally under these conditions it depended primarily upon the individual or company, under whose care the colony had been founded, whether or not a policy of exclusion should be pursued. In general, self-interest prompted the adoption of such a measure. Circumstances might, however, arise under which it would be advisable to allow foreign intercourse. Thus, during the first years of its history, Massachusetts had great difficulty in providing food for the comparatively large number of immigrants, and accordingly it was customary to permit Dutch vessels to import provisions.[3] Considerably more intimate were the commercial relations between New Plymouth and New Netherland. In 1627, the Governor of the latter colony offered to supply the English settlement with Dutch merchandise, and to buy in return beaver and other useful commodities. The Plymouth authorities gave a favorable response, and "after this there were many passages betweene them both by letters and other intercourse; and they had some profitable commerce togither for diverce years, till

[1] Cal. Col. 1574–1660, p. 249.

[2] *Ibid.* pp. 271, 272, 277. *Cf.* p. 296. At the time of the settlement by the English there were already some Dutch on the Island of Providence. *Ibid.* p. 127. Hence there was in this colony relatively more intercourse with foreigners than in Virginia or in the Bermudas. See *ibid.* pp. 162, 194, 226.

[3] In 1633, a Dutch ship brought corn from Virginia to Massachusetts. Winthrop, under the date of April 16, 1633. In 1636, it was said that the Dutch brought sheep, cattle, butter, and cheese to Massachusetts. Winthrop Papers IV, p. 220. *Cf.* also Winthrop I, pp. 124, 134.

other occasions interrupted y^e^ same." [1] This interruption resulted from the conflicting claims of the two nations to the Connecticut Valley.[2] It was, however, clearly recognized that this intercourse was hazardous, probably in that it violated the monopoly clause in the New England Council's charter of 1620. Thus, on August 14, 1627, Governor Bradford wrote to the Dutch, requesting a conference about their mutual trade, but warning them of their peril, should they fall into the hands of the English vessels fishing at New England or trading to Virginia.[3]

Similarly, in the West Indies, the close proximity of the various colonizing powers led inevitably to commercial relations. The strong national spirit of the age, however, resulted in frequent quarrels, which acted as a deterring factor. Moreover, the attitude of the colonial authorities could be of decisive influence. Thus, in 1634, Governor Hawley of Barbados, then the most important of England's possessions in the Caribbean, taxed all Dutch, French, and other foreign ships so heavily, as to debar them from trading with the island.[4]

This policy of exclusion was ultimately adopted by the English government. Fundamentally the same motives actuated both the government and the colonizing bodies. Just as these companies were unwilling to let others reap

[1] Bradford, pp. 222–225. The Dutch sent to New Plymouth sugar, linens, and other textiles in return for tobacco. *Ibid.* pp. 233, 234. In 1636, a Dutch trader sold in New Plymouth manufactures to the value of £500. *Ibid.* p. 344.

[2] *Ibid.* pp. 311–313.

[3] *Ibid.* p. 223 n.

[4] Schomburgk, Barbados, p. 170.

the benefits of their efforts, so the English government decided to exclude foreigners from trading with colonies dependent upon it for support and protection. It was naturally in connection with Virginia, the first of the crown colonies, that this policy was originally enunciated by the government. During the company's régime there was but little inducement for foreigners to trade to Virginia; its small population was struggling for a bare subsistence, and only toward the end of the period did the tobacco crop become of commercial importance. In isolated instances, the ubiquitous Dutch trader had, however, already found his way to Virginia; it was by him that the first negro slaves were sold in the colony.[1] But such intercourse was so extremely infrequent that the company had seemingly not deemed it necessary to give specific instructions regarding it. Thus, in 1623, Governor Wyatt wrote to John Ferrar about a Dutch ship that intended to come to Virginia, and asked what was "to be done in such cases, as also to have a copy of their Patent." [2]

The following year, in 1624, the company's charter was abrogated, and Virginia became a crown colony. At this time, it was suggested that instructions be sent to the Governor of the colony not to permit trade with the Dutch, who were freighting ships for that purpose, as their provisions were not needed in Virginia.[3] Apparently no formal step of this nature was taken, but other measures tended to pre-

[1] Bruce, Economic History of Virginia II, pp. 67, 68.

[2] Va. Mag. VI, pp. 239–240.

[3] Cal. Col. 1574–1660, p. 63; Cal. Dom. 1623–1625, p. 290.

vent foreign trade. In 1624, a proclamation was issued forbidding the importation of tobacco into England in foreign bottoms, under the penalty of confiscation both of the vessel and its cargo.[1] As under the orders of 1621 and 1623, tobacco could be shipped from Virginia only to England, this proclamation virtually excluded foreign vessels from the colony's export trade. It did not, however, prevent foreign ships from carrying supplies to Virginia. Some trade of this nature was carried on.[2] Moreover, the proclamation of 1624 was in effect for only a short period, as it lapsed in 1625, on the death of James I.[3] Consequently, during the first years of Charles's reign, the Dutch were not prohibited from engaging in the colony's trade.

In the course of time it was recognized that this foreign trade to Virginia made it difficult to enforce the policy of confining the colony's exports to England. In 1632, the Governor of Virginia, Sir John Harvey, wrote to the authorities in England that the colony was in great need of shoes and other necessaries, and that Captain William Tucker, a prominent trader, had "left behinde him stores well furnished with such provisions, but likewise instructions to his factors not to sell but at his most excessive rates." "I beseech your honours," Harvey continued, "to take unto your

[1] Rymer XVII, pp. 623, 624.

[2] On Jan. 3, 1626, Governor Wyatt and the Virginia Council wrote to the Virginia Commissioners about a Dutch vessel that had arrived in 1625, to which they afforded "the priviledge due to Adventurers, chiefly in regard the extreame wants of the country enforced us howsoever not to refuse supplies." Va. Mag. XV, p. 365; Cal. Col. 1574–1660, p. 77.

[3] *Cf.* Rymer XIX, p. 156.

grave considerations why Mr. Stone, Maurice Thompson, and Captain Tucker, cannot afford for to allowe a pennye p. pound for Tobacco when our intrudinge neighbors, the Dutch, doe allowe us" immeasurably better prices.[1] The English traders mentioned in this despatch were closely identified with the colony, but they did not relish the prospect of Dutch competition. Accordingly William Tucker presented to the Privy Council a memorial "for restrayning the trade of the Dutch into Virginia," which was in turn referred to a body of men, among whom were the farmers of the customs and some of the traders about whom Harvey had complained.[2] On August 14, 1633, they reported,[3] that they had often advised the Privy Council "that the Trade should be carryed wholly by the English & the retournes to be made wholly into England only," and that thereupon orders had been given to take bonds of all ships to bring their cargoes from the colony to England. In order effectually to enforce this regulation, they now urged that the example of Spain be followed, and that strangers be prohibited from trading to the colony. In transmitting this report,[4] Sir John Wolstenholme advised that instructions be sent to Virginia to the effect that the Dutch "may be admitted no trade nor lading of any goods in their shipps." Accordingly in 1633, and again in 1634, the Privy Council

[1] Va. Mag. VIII, p. 149.

[2] Col. Pap. VI, 81.

[3] *Ibid.* 80. The report was signed by John Wolstenholme, Abraham Dawes, William Tucker, Thomas Stone, William Fellgate, and Thomas Collins.

[4] *Ibid.* 81.

ordered the Governor of Virginia not to permit any foreigners to trade in Virginia.[1]

At frequent intervals these instructions were repeated.[2] In 1637, the King wrote to the Governor and Council of Virginia forbidding trade with the Dutch, unless the colony were in distress, and in that case enjoining the taking of a bond that the tobacco purchased by them be shipped to London.[3] At the same time the proprietors of the West Indies were ordered to send similar instructions to Barbados, St. Kitts, and the other islands.[4] In this modified form the injunction appeared likewise in the instructions issued to the governors of Virginia in 1639 and 1641.[5]

That these instructions were in general effective,[6] is

[1] Council Register X, p. 86. On Feb. 8, 1634, in connection with these instructions, Governor Harvey and the Virginia Council wrote to the Privy Council, that it was "not possible they should swerve from their Honors Instructions," forbidding trade with strangers, and suggested that no ships be allowed to trade in Virginia without bringing a certificate from the officers of the customs in England. Va. Mag. VIII, p. 155.

[2] 1636. Cal. Col. 1574–1660, p. 239; Va. Mag. IX, pp. 40, 41.

[3] Va. Mag. IX, pp. 176–178; Cal. Col. 1574–1660, pp. 250, 251.

[4] Cal. Col. 1574–1660, p. 251. [5] Va. Mag. II, pp. 281–288.

[6] This Dutch trade played a prominent part in the deposition of Governor Harvey by the Virginia Council in 1635. Harvey stated that he had given offence to several members of the Council, especially to Samuel Mathews, by restraining one Constable, a Dutchman, from trading for tobacco. Va. Mag. I, p. 429; Cal. Col. 1574–1660, pp. 212, 213. Harvey accused Mathews of trading with Constable, although he knew of "the Lords of his Majestie's Councell having given expresse directions that no strangers should Trade in Virginia for Tobacco." Va. Mag. IX, p. 35. At the hearing before the Privy Council, Harvey was charged with allowing Dutchmen to trade in the colony, without taking security that the cargoes should be shipped to England, and the Constable case was especially cited. This accusation Harvey strenuously denied. Cal. Dom. 1635, pp. 551–552; Va. Mag. VIII, pp. 404–406; Cal. Col.

shown by the experience of De Vries, a Dutch seaman, trader, colonizer.[1] In his interesting account of his voyages to America during the years 1632 to 1644, De Vries wrote that in 1633, being in Delaware Bay, he determined "to make a voyage to the English in Virginia with the object of procuring corn for his return voyage to Holland." "I would be the first one of our nation," he said, "to venture to the English in Virginia" from that region. As yet foreign traders had not been excluded, and accordingly De Vries was cordially welcomed by the Governor of Virginia.[2]

Two years thereafter De Vries again went to Virginia, this time with some English fugitives, whom the Spanish had driven out of one of the lesser West Indian islands.[3] He procured some provisions and, "as it was out of season to obtain tobacco," he decided to leave his cargo there, intending to come back when the crop was ripe.[4] On September 10, 1635, he returned to Point Comfort, and found there thirty-six ships, "— all of them English ships of twenty, to twenty-four guns — for the purpose of loading with tobacco." According to the license that he had secured, De Vries sailed up and down the river, for the purpose of collecting the amounts due him for transporting the English fugitives

1574–1660, p. 216. Constable was evidently unsuccessful in his attempt, for in the despatch of Feb. 8, 1634, Harvey referred to one Constable and others, who had attempted to defraud the English customs revenue by unloading in the Netherlands, but who were prevented from so doing by the vigilance of the "King's Vice-Admiral in the Narrow Seas." Va. Mag. VIII, p. 155. This episode shows the close connection between the policy of excluding foreigners and that of confining the colonial export trade to England.

[1] De Vries, pp. 49 *et seq.*, 83 *et seq.*

[2] *Ibid.* pp. 32–37. [3] *Ibid.* pp. 71, 72. [4] *Ibid.* pp. 74, 75.

and for the merchandise that he had sold in the colony. He found, however, that the crop was a short one, and that great frauds were practised. Whoever wishes to trade in Virginia, he wrote, "must keep a house here, and continue all the year, that he may be prepared, when the tobacco comes from the field, to seize it, if he would obtain his debts. It is thus the English do among themselves; so that there is no trade for us unless there be an overplus of tobacco, or few English ships." [1] After spending the winter in the colony De Vries was compelled to leave, without obtaining either tobacco or payment of the sums owing to him.[2]

De Vries's account shows conclusively that in 1635 there was little or no Dutch trade [3] in Virginia, and also that the difficulty of collecting outstanding debts made it virtually impossible for the Dutch to compete with the English traders, who were permanently established in the colony.[4] Moreover, the strong national spirit of the age worked against such intercourse. The prevailing distrust of foreigners, to which De Vries's book bears ample testimony, hampered international trade, and stimulated the development of close commercial relations between the metropolis and the

[1] De Vries, p. 77.

[2] *Ibid.* pp. 77, 78. His final conclusion was that "the English Virginias are an unfit place for our nation to trade, unless they continue the trade through all the year."

[3] Evidently De Vries was allowed to trade on account of his services to the English fugitives.

[4] De Vries had a very low opinion of the honesty of the Virginians. At a later date he recorded, that they "are not proper persons to trade with, Peter is always by Paul, or you will be struck in tail; for if they can deceive any one they account it among themselves a Roman action." *Ibid.* p. 127.

colony. Furthermore, the colonist wanted English, not foreign wares, and besides, only in the mother country could there be secured the credit essential to a new settlement.

This policy of excluding foreigners from the trade to the English colonies [1] was a direct outgrowth of the monopolistic privileges granted to the colonizing companies, and was designed to prevent other European powers from securing the fruits of English activities. Obviously such exclusion would tend to secure the colonial markets for the English manufacturer and producer. At a considerably later date, this idea was very prominent, but even at the outset some faint traces thereof can be found.[2] More directly, however, foreign traders were prohibited from trading to Virginia, with the object of effectually enforcing the restrictions on the colony's export trade.[3] These two measures were closely connected. Furthermore, it was also clearly recognized that the exclusion of foreigners from the colonial trade would stimulate the growth of England's mercantile marine. This idea was very prominent in the report upon which the Privy Council based its orders of 1633 and 1634.[4]

[1] Scotsmen were apparently not allowed to trade to the colonies. In 1638, a warrant was issued allowing a Scotch merchant to have free commerce between Virginia and Scotland. Cal. Col. 1574–1660, p. 277; Va. Mag. X, p. 427.

[2] *Cf.* instructions of 1637. Va. Mag. IX, pp. 176–178; Cal. Col. 1574–1660, pp. 250, 251. See also Col. Pap. VI, 81.

[3] On the close connection of these two policies see Col. Pap. VI, 80, 81; Council Register, Charles I, X, p. 86. *Cf.* also *ante*, p. 234, n. 6.

[4] The report of Aug. 14, 1633, urged that the trade of Virginia "should be carryed wholly by the English & the retournes to be made wholly into England only . . . by pformance whereof it will follow that

His Ma^ties^ customes & duties shalbe wholly receaved
Our owne men & shippinge imployed

It had been frequently pointed out that the possession of colonies would foster England's shipping interest, and this argument was prominently used to induce the government to favor the movement of expansion. Thus English colonial policy and that of developing the national mercantile marine by discriminating against foreign shipping were to some extent connected.

From the time of Richard II on, a considerable number of statutes had been passed with the object of protecting English shipping from foreign competition.[1] Various measures were adopted prohibiting the importation of certain merchandise in foreign vessels, and enjoining Englishmen to give the preference to their national shipping. Under Elizabeth, the coasting-trade was reserved to English ships,[2] and in addition a number of the trading companies were forbidden to use foreign vessels.[3]

James I continued this policy, and in 1615 by proclamation ordered the enforcement of the laws passed in the reigns of his predecessors.[4] The Council of Trade, appointed in

> The Navigacon of the Kingdome increased
> The Plantacon duly & sufficiently supplyed
> Our Merchantes & Planters benefitted & encouraged
> by the transportacon of that surplus w$^{ch}$ now
> strangers carry to theire owne marketts." Col. Pap. VI, 80.

[1] For an outline of this legislation, see Beer, Commercial Policy of England toward the American Colonies, pp. 10–13.

[2] 5 Eliz. c. 5 § viii.

[3] Muscovy Company in 1566 (Hakluyt III, pp. 89, 90); Levant Company in 1592 (*Ibid.* VI, p. 80). *Cf.* Cal. Dom. 1649–1650, pp. 11, 12.

[4] "Which Lawes have of late yeeres bene much neglected, to the great preiudice of the Navigation of Our Kingdome." Cunningham, *op. cit.* II, p. 210, n. 6.

1622, was instructed to inquire "how our Laws do now stand in force for the prohibiting of Merchandize to be imported in Forrain Bottoms, and to advise what is fitt to be done therein."[1] Two years thereafter, by proclamation, James ordered the confiscation of all tobacco imported in foreign shipping.[2] As all colonial tobacco had to be shipped to England, and as this was the sole colonial product of commercial importance,[3] the order to a great extent excluded foreign ships from the trade between America and England. This proclamation, however, lapsed on the death of James I in 1625.[4] But in other respects his successor adhered to the general policy of discriminating against foreign shipping.[5] He prohibited the sale of vessels to foreigners,[6] and ordered the enforcement of the navigation acts of Richard II and of the two Tudor Henrys.[7]

At the time also, other methods of increasing the mercantile marine were suggested.[8] One of the devices adopted

[1] Rymer XVII, p. 414.

[2] *Ibid.* XVII, pp. 623, 624. In 1615–1616, some tobacco from Virginia was imported at Portsmouth in the *Flying Hart* of Flushing. H.M.C. IV, 1, p. 314. On this vessel, see Va. Mag. XV, p. 365. In 1614, and again in 1621, the House of Commons considered the question of increasing England's shipping interest. Commons Journal I, pp. 474, 615.

[3] Except fish.

[4] "No Proclamation bindeth longer than the King's Life." Commons Journal I, p. 481.

[5] At one time there was some relaxation in the stringency of the regulations. Cal. Dom. 1628–1629, p. 111; Rymer XIX, pp. 94, 95.

[6] Rymer XIX, p. 95.

[7] He also commanded the Eastland Merchants to use only English ships. *Ibid.* XIX, pp. 129, 130.

[8] *Cf.* Cal. Dom. 1625–1626, p. 311.

was of especial interest in connection with Newfoundland. During the reign of Elizabeth, it had been forbidden to export herrings in foreign bottoms.[1] At various times under the first Stuarts, this regulation was renewed.[2] In 1630, the Privy Council issued an order to this effect, and also made it illegal to export Newfoundland fish from England in foreign vessels.[3] The English fishermen persistently opposed this policy,[4] and consequently it was never fully carried out. Not only were violations frequent,[5] but in addition, the government was accustomed to grant licenses that permitted the use of foreign shipping.[6] As far as it was enforced, it tended to encourage the development of the direct trade from Newfoundland to the Catholic nations of the Mediterranean.[7]

[1] H.M.C. VIII, 1, p. 242[b].

[2] *Ibid.* pp. 235[b], 246[b], 247[a]; *ibid.* III, 1, p. 71; Cal. Dom. 1633–1634, p. 367.

[3] Cal. Dom. 1631–1633, p. 123; H.M.C. VIII, 1, p. 246[a].

[4] In 1633, the Mayor of Plymouth said that the Dutch and French were accustomed to come to England to buy fish, that they paid export duties thereon, and that this outlet had in a few years doubled the fishing trade of Plymouth. Cal. Dom. 1633–1634, pp. 318, 319. In opposition, it was contended that this measure would seriously cripple the Dutch and jeopard their trade to Spain. *Ibid.* 1625–1649, p. 543.

[5] *Ibid.* 1633–1634, p. 367.

[6] *Ibid.* 1637, p. 573; H.M.C. VIII, 1, p. 246[b].

[7] In 1633, the officials of Trinity House reported that in that year there had been twenty-six or twenty-eight foreign vessels at Newfoundland buying fish from the English. Cal. Dom. 1633–1634, p. 367. In this connection it was suggested that a duty be imposed on fish exported from Newfoundland. *Ibid.* p. 322. This suggestion was virtually adopted in the Newfoundland charter of 1637, which enjoined the collection of five fishes in every one hundred and twenty bought by aliens coming there "with ships commonly called sackes." Col. Pap. IX, 76; Col. Entry Book LXV, pp. 11–27.

# CHAPTER IX

## THE ECONOMIC DEVELOPMENT OF THE COLONIES 1607–1642

THE products desired by those who invested in the colonial enterprises of the seventeenth century were primarily, at the beginning especially, gold and silver, and secondarily such commodities as England had to purchase from her European rivals. The main object of the Virginia Company was to procure from the colony products of this description, for which naturally there would be a ready market in England. The earliest returns from Virginia were small quantities of various kinds of wood, soap ashes, pitch, tar, and some vegetable dyes.[1] Attempts were also made to find gold and silver.[2] So disappointing were the first results, that in 1610 the suggestion to abandon the enterprise was seriously entertained.[3] This counsel of despair was, however, not adopted, and renewed efforts were made to obtain from the colony useful products.[4]

[1] Cal. Col. 1574–1660, p. 7; Brown, Genesis I, p. 205; The New Life of Virginia, pp. 8, 9, in Force I, no. 7.

[2] Cal. Col. 1574–1660, p. 66. In 1607, the Venetian ambassador in England wrote to the Doge and Senate, that England expected to find gold and silver in Virginia. Cal. State Papers, Venice, 1607–1610, p. 27, no. 52.

[3] A True Declaration of the estate of the Colonie in Virginia (London, 1610), p. 21, in Force III, no. 1; Purchas XIX, pp. 71, 72.

[4] See the instructions sent to Virginia in 1610. Brown, Genesis I, pp. 384–386; Cal. Col. 1574–1660, pp. 10, 11.

Some lumber, furs, and fish were sent to England,[1] but the expectation of finding in the colony rich deposits of the precious metals met with complete disappointment. Similarly, the early attempts to produce naval stores were unsuccessful.[2] The first article furnished by the colony in considerable quantities was sassafras,[3] and to this, already in the first decade of the colony's life, was added tobacco.[4] In spite of the early reports of the rich resources of Virginia,[5] so meagre were these returns that in 1614 it was

[1] R. Rich, Newes from Virginia, 1610, in Brown, Genesis I, p. 420. See also the report on Virginia's resources prepared for the Spanish Council of State in 1610. *Ibid.* I, pp. 393–395.

[2] In 1624, John Smith published a letter, which he stated that he had written to the company in 1608. Therein he said: "I followed the new begun workes of Pitch and Tarre, Glasse, Sopeashes, and Clapboard, whereof some small quantities we have sent you. But if you rightly consider, what an infinite toyle it is in Russia and Swethland, where the woods are proper for naught else, and though there be the helpe both of man and beast in those ancient Commonwealths, which many an hundred yeares have used it, yet thousands of those poore people can scarce get necessaries to live, but from hand to mouth. And though your Factors there can buy as much in a week as will fraught you a ship, or as much as you please; you must not expect from us any such matter, which are but a many of ignorant, miserable soules, that are scarce able to get wherewith to live, and defend our selves against the inconstant Salvages: finding but here and there a tree fit for the purpose, and want all things els the Russians have." John Smith, Generall Historie (ed. 1907) I, pp. 148, 149. Some doubt has been thrown upon the correctness of the date assigned to this letter by its author. Brown, Genesis I, p. 199.

[3] *Ibid.* I, p. 107; The New Life of Virginia (1612), pp. 8, 9, in Force I, no. 7.

[4] In 1616, Chamberlain wrote to Carleton that he had heard of no other riches from Virginia, but sassafras, tobacco, pitch, and clapboard. Cal. Col. 1574–1660, p. 17.

[5] The first colonizers in North Carolina, under Raleigh's Virginia patent, twenty years before the permanent settlement, called attention to the abundance of grapes, the plenty of fish, and the valuable forests. Hakluyt VIII,

again seriously proposed to abandon the enterprise.[1] It was only the rapid expansion of the tobacco industry that brought prosperity to the colony.

In the years from 1616 to 1619, sassafras and tobacco were the sole commodities exported from Virginia;[2] and from the latter date on, owing to a violent fall in its value,[3] sassafras ceased to be of commercial importance, and thereafter tobacco became virtually the colony's sole crop for export.[4] This development, however, was vigorously opposed by the colonizing company.

The men in control of the London Company were of high standing in the community, and were naturally strongly influenced by the prevailing opinion of tobacco. They had no intention of founding a tobacco colony, just as little as nowadays men of similar standing would care to incur the odium of establishing a settlement based upon the profits of the liquor or opium industry. Consequently the com-

pp. 297–301. In 1611, it was stated that there were in Virginia the "goodliest Trees for Masts," fine hemp, mines of lead and antimony, and excellent cod-fishing. Brown, Genesis I, p. 482.

[1] See the Spanish ambassador's despatches in Brown, Genesis II, pp. 661, 680.

[2] Virginia Co. I, pp. 266, 267; London Co. I, pp. 20, 21.

[3] In 1620, Sandys stated that, as a consequence of the large quantities imported, sassafras was worth little or nothing. Virginia Co. I, p. 433; London Co. I, p. 100.

[4] On Sept. 30, 1619, John Pory wrote to Sir Dudley Carleton: "All our riches for the present doe consiste in Tobacco, wherein one man by his owne labour hath in one yeare raised to himselfe to the value of £200 sterling, and another by the meanes of sixe Servants hath cleared at one crop a thousand pound English." Barlow MSS. (Lenox Library). Also a transcript in Chalmers MSS., Virginia Papers, vol. I (Lenox Library).

pany consistently, and at great expense, sought to establish other industries in the colony.[1] Men skilled in erecting iron works and in manufacturing salt were sent to Virginia.[2] There were likewise sent some Dutchmen to erect saw-mills, and some "vignerons" from France, who were also experienced in breeding silkworms and in making silk.[3] Attempts were also made to build ships and to erect glass-works.[4] Although some trifling successes were achieved at the outset, all these attempts were from a commercial standpoint failures.[5] In spite of the efforts of the company, assisted by the provincial legislature [6] and supported by the Crown,[7] tobacco gradually became of ever increasing im-

[1] Francis Bacon spoke deprecatingly of Virginia's experience with tobacco, and said that the commodities which should be procured from the colony were wood, iron-ore, salt, silk, pitch, tar, drugs, soap ashes, *etc.* Brown, Genesis II, p. 800.

[2] In 1621, Sir Edwin Sandys said in the House of Commons that the company had erected four iron works in the colony at a cost of £4000, and that there was no better iron in the world. Commons Journal I, p. 622. In 1623, the Smythe party stated that these works, upon which £5000 had been spent, were a failure. Manchester MSS. pp. 44, 45, no. 361. See also Purchas XIX, pp. 122, 246, 247.

[3] Manchester MSS. p. 37. See also A Declaration of the State of the Colonie and Affaires in Virginia (London, 1620), p. 10, in Force III, no. 5.

[4] Manchester MSS. p. 39.

[5] For details regarding these industrial experiments, see Virginia Co. I, pp. 251, 252, 325, 368, 372, 417, 422, 431, 432, 475, 476, 499, 500, 627, 628; II, pp. 12, 13, 15, 31, 35, 115, 348, 349. *Cf.* Cal. Col. 1574–1660, pp. 39, 43, 58; Purchas XIX, pp. 127, 128, 145, 151–153; Va. Mag. XVI, pp. 4–6.

[6] In 1619, the first Assembly, acting on instructions from the company, passed laws enjoining the planting of corn, mulberry trees, flax, hemp, and vines. Chalmers MSS., Virginia Papers, vol. I (Lenox Library); N. Y. Hist. Soc. Coll. Series II, vol. III, p. 347.

[7] James I recommended the colony to produce silk, a rich and solid com-

portance in the economic life of Virginia.[1] In 1625, it was

modity preferable to tobacco, and to erect vineyards. Cal. Col. 1574–1660, p. 31; Cal. Dom. 1619–1623, p. 422; Virginia Co. II, pp. 101, 102; Purchas XIX, pp. 154–157.

[1] In the disputes between the Smythe and the Sandys factions, each party accused the other of neglecting staple products in favor of tobacco. In 1619, Sandys said that the labors of the colony had been directed "to a wrong and vnworthy course," for whereas formerly there had been returned from Virginia twelve different products, in recent years only sassafras and tobacco had been received. (Virginia Co. I, pp. 266, 267; London Co. I, pp. 20, 21.) During the year beginning April, 1619, when Sandys was in control, a large number of settlers were sent to Virginia with instructions to produce iron, cordage, hemp, flax, silk-grass, pitch, tar, potash, soap ashes, timber of all sorts, masts, silk, salt, and wine. (Virginia Co. I, pp. 352, 353, 392, 393; London Co. I, pp. 67, 68. *Cf.* A Declaration of the State of the Colonie and Affaires in Virginia (London, 1620), pp. 5, 10, in Force III, no. 5.) On Nov. 4, 1620, Sandys again called attention to the necessity of suppressing "the inordinate excessive planting of Tobacco so generally distasted hitherto," and of encouraging the production of staple commodities. (Virginia Co. I, p. 413; London Co. I, p. 92.) At the company's meeting of June 11, 1621, Sandys "signifyed how extreamly displeasinge itt was to the Kinge and scandalous vnto the Plantacon and vnto the whole Company," that Virginia had produced nothing but "that smokie weed of Tobacco." (Virginia Co. I, p. 480; London Co. I, p. 124.) The company continued its efforts to stimulate other industries, such as the manufacture of glass, and urged the colony to engage in the fur trade, avowedly in imitation of the French and Dutch, whose success therein had been brought to its notice. (Virginia Co. I, pp. 504, 505, 565–567; London Co. I, pp. 134, 158, 159; Purchas XIX, p. 144.) It is thus apparent that the Sandys-Southampton administration used every effort to introduce staple products instead of tobacco. Yet in 1623, one of the chief accusations brought by the discontented minority in the company was that an opposite course had been pursued. The Sandys party was able to answer this charge effectively, and in turn accused their opponents of having neglected staple products in the years prior to 1619, when they were in control. They asserted that, as a consequence of this neglect during the Smythe administration, the colony had become "possessed of $y^t$ Dotinge affection to Tobacco, $w^{ch}$ ye Compa: in these latter years $notw^{th}$standinge their sundry Charters, Instrucc̃ons and generall ꝛres for restrayninge thereof could never since exstinquish." (Virginia Co. II, p.

frankly admitted by the adherents of the Virginia Company, that "the Attemptes of setting up other stapell Comodityes as the Iron Workes, Silke, Wines & many the like (though persued w$^{th}$ great constancy charge & care, have hereunto failed by sundry mis-accedences." [1]

In opposing the rapid extension of the tobacco industry, the company had in view, not only the production of staple commodities for export to England, but also the development of Virginia's agricultural resources, so that the colony might be able to feed itself.[2] Thus no one was allowed to plant tobacco unless he had sown a fixed quantity of grain.[3] It was realized that until the community was fully able to support itself, its existence would necessarily remain precarious. For a long time this continued to be the fundamental question in the economic history of Virginia.

396; London Co. II, p. 190. *Cf.* also Cal. Col. 1574–1660, pp. 28, 29; Va. Mag. VI, pp. 225 *et seq.*) In 1625 again, these charges were brought against the Smythe administration, but at the same time it was freely admitted that the efforts of the company after 1619 had been futile, and that the colony still continued "in plying only Tobacco." (Va. Mag. I, pp. 158, 159, 305.) Sir William Alexander thought that the company was partly to blame for this result, and in 1624 asserted that, if it had not been for the massacre and the company's desire for immediate profits, Virginia would have been producing wine, oil, wheat, and other products, instead of tobacco. Alexander, An Encouragement to Colonies (London, 1624), p. 29.

[1] Col. Pap. III, 32.

[2] In 1621, it was stated that "the present gaine by Tobacco, had made the planting of Corne to be neglected." Purchas XIX, p. 150.

[3] Manchester MSS. p. 31. It was provided that, in all patents for land, the grantee should agree to raise corn and other staple products, and not wholly or chiefly tobacco and sassafras. Orders and Constitutions for governing Virginia, 1619 and 1620, in Force III, no. 6, p. 21, § cxiv. See also Sandys's statement in 1619, in Virginia Co. I, pp. 266, 267; London Co. I, pp. 20, 21. *Cf.* Cal. Col. 1574–1660, p. 57.

Upon the fall of the company in 1624, the English government became directly responsible for the administration of the colony, and continued the efforts, both to make Virginia self-supporting and to produce staple commodities. In 1626, explicit instructions to this effect were issued to Governor Yeardley.[1] In 1628 and 1629, the colony wrote to Charles I, that they wanted the means, not the will, to raise staple commodities; that there were materials in plenty for making pitch and tar, but that on account of the Indians it was a dangerous industry; that they did not know the process of manufacturing potash; that there was an abundance of timber, "but the freight was too dear to render it an object to export" it; that the working of the iron mines required too large a capital, but that they had great hopes of gold and silver mines in the western mountains; and that they expected something from the planting of vines and from the fisheries.[2] Virginia passed a number of laws

[1] Col. Entry Book LXXIX, pp. 257–264. Among the English records is a certified copy of a set of instructions from Heath to Governor Yeardley and the Virginia legislature. It is undated, but is indorsed as prior to December, 1627. Therein the curtailment of the tobacco crop was enjoined, and also the production of staple commodities, such as iron, salt, pitch, and tar, staves and potashes. In addition they were instructed to search for rich mines and for this purpose to "draw forth a hundred men at a convenient tyme to travell to the topp of the mountaines & from thence bring such samples as M[r] Capps hath directions to search for & try out." Col. Pap. IV, 33. The colony was not opposed to this policy. See Cal. Col. 1574–1660, pp. 71, 76, 80, 91; Va. Mag. II, p. 53.

[2] Hening I, pp. 134, 135; Va. Mag. VII, pp. 260–263; Cal. Col. 1574–1660, p. 89. At this time, in order to start the iron industry, it was proposed that the King should incorporate the undertakers, give them a monopoly for fourteen years, and also exempt them for a fixed period from paying the English import duties. Cal. Col. 1574–1660, pp. 90, 91.

to encourage the production of the desired commodities, such as saltpetre and potashes.[1] In addition, the cultivation of a certain number of vines was enjoined upon each settler.[2] Samples of potash were sent to England,[3] and a beginning was made in building ships, from which very favorable results were expected.[4] Considerable attention was also paid to planting vines,[5] and in 1633 Governor Harvey wrote that large quantities of saltpetre might be expected.[6] At this time also,[7] and later as well,[8] it was again attempted to make use of the iron deposits available in Virginia. The efforts to make silk were also continued, and in 1639 some was sent as a present to Charles I.[9]

These attempts to introduce staple commodities, in which the colony [10] and the English government coöperated,[11] con-

[1] Hening I, p. 151. 1629–1630, ch. 5.

[2] *Ibid.* I, pp. 161, 162. 1631–1632, ch. 17; *ibid.* I, p. 192. 1632, ch. 25. This law was repealed in 1633. *Ibid.* I, p. 218. 1633, ch. 8. In order to encourage manufacturing in the colony, the Assembly passed a law prohibiting the exportation of all hides and skins, except furs. *Ibid.* I, p. 174. 1631–1632, ch. 54; *ibid.* I, pp. 198, 199. 1632, ch. 48.

[3] Cal. Col. 1574–1660, pp. 95, 117.

[4] *Ibid.* p. 151; Va. Mag. VIII, p. 149; De la Warr MSS., H.M.C. IV, 1, pp. 290, 291.

[5] *Ibid.*

[6] Cal. Col. 1574–1660, p. 160; Va. Mag. VIII, pp. 147, 148.

[7] *Ibid.*

[8] 1639. Va. Mag. XIII, p. 392.

[9] Cal. Col. 1574–1660, pp. 287–289; Va. Mag. III, p. 34.

[10] In 1638, a number of prominent Virginians favored the introduction of staple commodities at the expense of "that bewitched comodity of Tobacco," and stated that the colony could produce iron, soapashes, potashes, salt, saltpetre, wines, drugs, fish, grain, pork, bacon, hides, leather, hemp, flax, timber, and cotton. Col. Pap. IX, 100.

[11] In 1641, Governor Berkeley was instructed to induce the people to raise staple commodities, such as hemp, flax, madder, pitch, tar, hides, leather, vines, and silk. Va. Mag. II, p. 281.

tinued throughout the entire period, and were complete failures. Although some insignificant quantities of other commodities, such as furs and lumber,[1] were exported, tobacco retained its position of dominating importance. On the other hand the efforts to make Virginia self-supporting were in the main successful.

As late as 1630, Governor Harvey wrote to Secretary Dorchester that the people were miserably perplexed for want of corn, and that a law had been passed to increase the quantity planted in the future.[2] Three years later corn was so plentiful that, in spite of the large immigration in that year, Virginia was able to export a considerable quantity for the relief of New England.[3] In the following year, 1634, Governor Harvey informed Secretary Windebank that Virginia had exported a large quantity of corn, and had "now become the granary of all his Ma$^{tys}$ northern colonies."[4] This account was far too optimistic,[5] for even as late as

[1] Cal. Dom. 1631–1633, p. 304; *ibid.* 1633–1634, pp. 555, 556; De Vries, p. 37.

[2] Cal. Col. 1574–1660, p. 113. *Cf.* p. 117, no. 95.

[3] *Ibid.* p. 175. Already in 1631, provisions were plentiful and were exported to New England. De la Warr MSS., H.M.C. IV, 1, pp. 290, 291; Winthrop Papers IV, p. 31; Winthrop, under date of April 27, 1631. In 1633, De Vries, a Dutch trader, obtained provisions in Virginia for his return voyage to Holland. He relates in his journal that he met a vessel from Virginia with cattle and corn for New England. De Vries, pp. 32, 36, 37, 44.

[4] He also added that Virginia had a large number of cattle, goats, hogs, poultry, and that oranges, lemons, figs, vines, and all kinds of fruits were beginning to be produced. Cal. Col. 1574–1660, p. 184.

[5] In 1636, Winthrop recorded that many had died in Virginia, and that corn there was exceedingly high, 20*s.* a bushel. Winthrop, under date of Aug. 3, 1636.

1641 provisions were exported from England to Virginia.[1] Yet great progress had been made since the early days, when famine was prevented only by the arrival of the English supply ships. The colony was now normally self-supporting, and its life had gained thereby in stability. Its population had greatly increased, and was still growing at a satisfactory rate. In 1616 there were only a few hundred in the colony;[2] in 1630 the population was estimated at 2500,[3] in 1635 at 5000,[4] and in 1640 at 7500.[5] Despite the over-extension of the tobacco industry, and the consequent tendency to instability,[6] Virginia was fairly prosperous, and its economic civilization was gradually assuming a permanent and durable form.[7]

[1] Cal. Col. 1574–1660, pp. 321, 322. In this year Governor Berkeley was especially instructed to promote the increase of cattle, "whereby the Colony will in short time have such plenty of victualls, y$^{t}$ much people may come thither for the setting up of iron works and other staple commodities"; to cause the people to plant corn so that there may be on hand a year's supply to prevent the recurrence of famines through the loss of a single harvest. Va. Mag. II, p. 281.

[2] Manchester MSS. p. 31, no. 208. For some estimates of the population of those early years prior to 1630, see *ibid.* p. 42; Cal. Col. 1574–1660, pp. 22, 57, 89, 100; Commons Journal I, p. 581; Col. Pap. III, 32; Va. Mag. I, p. 159; VII, pp. 261–263, 366; London Co. I, pp. 64, 65; II, pp. 148–151; Force III, no. 5, pp. 5, 9, 10.

[3] Cal. Col. 1574–1660, p. 117.

[4] *Ibid.*, p. 201.

[5] Dexter, Am. Antiquarian Soc. Proc. V, p. 48.

[6] In order to increase the size of their crops, the planters sought to use virgin soil as much as was possible. It was pointed out in 1638 that the introduction of other crops would result in the building of towns, and would stop the continuous change from old to fresh lands, which unsettled social conditions. Col. Pap. IX, 100. It was also stated, in Governor Berkeley's instructions of 1641, that as a result of this tendency to seek new land, the buildings and improvements were largely of a temporary character. Va. Mag. II, p. 281.

[7] On April 6, 1638, Richard Kemp wrote to Secretary Windebank that the people of Virginia "are of late more than heretofore given to affect good build-

Thus at an early date, the economic civilization of Virginia assumed those typical features which characterized it throughout the entire colonial period. It was a dependency of the plantation type, relying mainly upon one crop, with which it purchased from the mother country European manufactures. The commercial intercourse with England was of vital importance, and the business relations between the colonial planters and the English merchants were very close and intimate. From the outset, these relations were not harmonious, and mutual recriminations continued unceasingly thereafter. Each party had its grievances. In these business transactions, the planter was usually the weaker party, and felt that he was not getting an adequate return for his produce. The English merchant frequently had the planter at his mercy, and was prone to take advantage of this fact and to insist upon a strict enforcement of his contracts. On the other hand, Virginia was developed with the assistance of English capital, and the planters as a class, being in debt to England, were often tempted to scale down their obligations by legislation.

It was typical of the feudal character of the colonial charters that the dependent communities were in a number of instances allowed to provide their own standard of value and circulating medium. Such permission was granted by

ings. Scarce any inhabitant but hath his garden and orchard planted. Few There are but indeavour the raising of stocke of cattell or hogge or both, w$^{th}$ much labour and paines considering the neighbourhood of the salvages who are ever awake to mischeife and injuries of spoile even in the streightest tyme of peace." Col. Pap. IX, 96.

the Virginia patent of 1606,[1] by that of Newfoundland of 1610,[2] and by the Bermuda charter of 1615.[3] The export of coin from England was prohibited,[4] but the colonies were to a large extent exempted from this regulation by their patents.[5] Although some coin was taken to Virginia by the settlers, the early business life was largely based upon a system of barter and truck. Such methods were inevitable in the crude and primitive economic conditions prevailing in Virginia. The use of gold and silver as a circulating medium implies an advanced and complex economic civilization, and their employment in Virginia would have been abnormal, and would have entailed a distinct waste of capital. What the settler in Virginia wanted least was gold and silver; what he wanted most was European clothing, which he could obtain most easily in return for his staple product. Consequently, at an early date, tobacco tended to become the colony's standard of value.

In 1619, the first Virginia Assembly fixed the price of tobacco at three shillings and one shilling sixpence the pound, according to the quality.[6] As tobacco began to fall rapidly

[1] Poore II, p. 1890. [2] Prowse, appendix, p. 123. [3] Lefroy I, p. 98.

[4] See proclamation of June 11, 1622. Rymer XVII, p. 376. This renewed former regulations of a similar character, which could not be effectively executed.

[5] Thus the New England Council's charter of 1620 specifically allowed the exportation of "monies, goods or merchandizes" to the settlements. Col. Entry Book LIX, pp. 1–28. The Bermuda Company had the same privilege. Lefroy I, pp. 95, 96. Similar clauses were inserted in the other charters, as a result of which emigrants were allowed to take plate, bullion, and coin with them. There were, however, some legal impediments to the free exportation of coin to the colonies (*cf.* Cal. Col. 1574–1660, p. 285), but in practice the entire system of prohibition was of little importance, as it could not be enforced.

[6] Chalmers MSS., Virginia Papers, vol. I (Lenox Library).

in price,[1] the English merchants were forced to demand very large nominal profits on the European goods sold in the colony, in order to be able to pay the statutory prices for tobacco. In 1626, the colony complained that these profits were exorbitant, and that its development was hampered by the lack of a metal circulating medium.[2] At the same time, the English merchants were dissatisfied with the system of arbitrary legal prices for tobacco, and in 1626 Governor Yeardley was instructed that they should be disregarded, and that the traders should be allowed to make their own bargains.[3]

The more rapidly tobacco declined in value, the more strained became the relations between the planters and the traders. In the session of 1631 to 1632, shortly after the great depression in the price of tobacco, the Virginia legislature passed an act, imposing heavy penalties on those who

[1] Already in 1623, tobacco was valued for monetary purposes at only 8*d*. a pound. Va. Mag. XVI, p. 4.

[2] In 1626, Governor Wyatt and the Council complained to the Privy Council, and asked that a "magazine" be established, which would take tobacco at 3*s*. a pound in return for English commodities valued at twenty-five per cent above their cost in England. Va. Mag. II, p. 53, 54; Cal. Col. 1574–1660, pp. 80, 81. As tobacco was worth considerably less than 3*s*. in England, this plan was absurdly impracticable.

[3] "That y^e^ Merch^ts^ be not constrained to take Tobacco at 3^s^ *p* pound in exch for his Wares, but that it be lawfull for him to make his own bargain for his goods he so changeth notwithstanding any Proclamacon there published to y^e^ contrary." Col. Entry Book LXXIX, pp. 257–264. On Jan. 3, 1626, the Governor and Council of Virginia issued a proclamation, renewing one of Aug. 31, 1623, which had not been executed owing to instructions from England. This proclamation made it illegal to sell certain products at prices higher than those stipulated therein. Va. Mag. XV, pp. 367–369. See also *ibid.* XVI, p. 4.

contracted to buy any commodity not produced in the colony in exchange for tobacco at a lower rate than sixpence a pound.[1] The intention was to force the English merchants to pay higher prices for tobacco, but the law was necessarily ineffective, as they in turn merely raised to a corresponding extent the prices of the wares bartered therefor. In order to overcome this, it was provided in the following year, that no tobacco should be sold under the rate of sixpence a pound, "as the goods first cost in England."[2] A few months thereafter, this price was raised to ninepence, and regulations were adopted to make the law effective.[3]

As this price was considerably in excess of the market value of tobacco in England, the law naturally could not be enforced. In 1634, Governor Harvey complained that all English wares were sold in the colony for at least three times their original cost.[4] The attention of the English government had been directed to this matter by similar complaints, and in 1634 Charles I discussed the question in his proclamation creating a governmental tobacco monopoly. Therein he said that he had heard of the oppressive conduct of the English merchants, as a result of which the planters were in a wretched condition, and that accordingly he had instructed the commissioners having charge of the proposed tobacco monopoly to investigate the indebtedness of the colony, hinting that it might be scaled down if inordinate profits had been made.[5]

[1] Hening I, pp. 162, 163, 188–190.
[2] *Ibid.* I, p. 206.
[3] *Ibid.* I, pp. 209–213.
[4] Cal. Col. 1574–1660, p. 184.
[5] Rymer XIX, pp. 560–562.

Virginia, however, was averse to the tobacco contract, and nothing was done. In 1637 and 1638, again in connection with a proposal for a tobacco monopoly, Charles once more took the entire subject under consideration. He stated that he had received information that the English merchants demanded excessive profits, and therefore asked for an exact schedule of the colony's debts, so that "some order may bee taken for such satisfaĉon as shall bee found just and reasonable to the Creditors." [1] The burgesses, however, did not wish to antagonize the English merchants and to deter them from bringing supplies to Virginia.[2] They therefore replied that such a schedule was impracticable, and as a remedy they suggested that the price of tobacco be legally fixed at one shilling a pound, which was at least several times its current market value.

At the same time also, the burgesses rejected Charles's proposal for a tobacco contract, and opposed his scheme for providing a metallic currency for the colony. In re-

[1] Col. Pap. IX, 96 i. The trouble arose mainly from the fact that since 1630 tobacco had more than doubled in value, and that the English merchants insisted on the execution of contracts based on the former abnormally low price of tobacco. In other words, Virginia, as a debtor, suffered at this time from a rapidly appreciating standard of value. Charles characterized the action of the traders as an "oppression both unlawful & uncharitable, the poor planter by this means being in continual slavery for the profit of his Creditors." Va. Mag. IX, pp. 176–178.

[2] They said: "The life of our beinge and subsistance principally consists in our yearely supplyes and our ffreedomes in the trade thereof. . . . Our resolucons and indeavours are fully bent to free ourselves from the thraldome of debtes and to give the merchants such good and tymely satisfaĉon as that they shall noe way bee discouraged from adventuringe hither as fformerly." Col. Pap. IX, 96 ii and 96 v.

sponse to statements that such a currency was necessary,[1] the English government issued a license to Lord Maltravers to coin farthings especially for colonial use,[2] and Virginia was instructed to signify what quantity was required there.[3] The burgesses, however, objected to the proposed coin, claiming that it would not be readily accepted, as it was intrinsically worth less than the English farthing. At the same time, they pointed out the desirability of some silver coin for the colony in order to encourage other industries at the expense of tobacco planting, and suggested that £5000 be imported yearly.[4]

No agreement could be reached, and the difficulties continued unabated. In 1640, the Virginia legislature passed an act ordering the destruction of all poor tobacco and also of one-half of the balance. As debts were largely figured in tobacco, and as there were outstanding many contracts for shipments to England, this act naturally necessitated other legislation. It was provided that "all creditors were to take 40 lb. for a hundred," [5] and that no one should be obliged to perform more than one-half of his contracts for shipping tobacco.[6] In addition, a renewed attempt was made

[1] See Harvey's despatch of June 26, 1636. Va. Mag. IX, p. 40; Cal. Col. 1574–1660, pp. 238, 239. In 1631, Harvey and the Virginia Council made the same suggestion. De la Warr MSS., H.M.C. IV, 1, pp. 290, 291.

[2] Cal. Col. 1574–1660, pp. 285, 290; Cal. Dom. 1638–1639, pp. 470, 471. These coins were to be issued in all the colonies, except Maryland. *Cf.* Calvert Papers I, p. 152.

[3] Col. Pap. IX, 96 i.

[4] Col. Pap. IX, 96 ii and 96 v.

[5] Hening I, pp. 224, 225. Acts I, III. During the stint, debtors were not obliged to pay more than two-thirds of their debts. *Ibid.* p. 226. Act VIII.

[6] *Ibid.* p. 225. Act II.

to fix a minimum price on tobacco,—one shilling a pound for the crop of 1640, and two shillings for that of the succeeding year.[1] As opposed to this, the English government in 1641 instructed Governor Berkeley that the merchants should not be constrained to take tobacco at such arbitrary prices, and that the former royal orders about the debts of the colony should be carried into effect.[2] Thus already at the time of the outbreak of the Civil War, there had developed considerable friction between the English merchants and the colonial planters.[3] Fundamentally this was due to the inherent opposition of interests, which is always present when two communities, one agricultural, the other trading and manufacturing, are in close political and economic relations.

The development of the neighboring colony of Maryland during the first decade of its history was similar to that of Virginia. Lord Baltimore wisely enjoined upon the early settlers to plant corn and nothing else until there was a sufficiency.[4] Great stress was laid upon making the colony self-supporting, and with this object in view the provincial legislature made the cultivation of a fixed quantity of grain obligatory.[5] As in the other colonies, serious efforts were

[1] *Ibid.* p. 226. Act IX.

[2] Instructions to Berkeley, §§ 26, 28. Va. Mag. II, p. 281; Greene, Provincial Governor, p. 219. The instructions about the debts were dated April 22, 1637. See Va. Mag. IX, pp. 176–178.

[3] In 1640, Virginia also passed an act fining masters of ships who demanded for freight more than £6 a ton. Hening I, p. 226. Act V.

[4] Calvert Papers I, p. 139.

[5] The law of 1640 provided that every person raising tobacco should also plant two acres of corn. Archives of Maryland, General Assembly, 1638–1664, p. 97.

made to raise staple commodities. In 1633, Lord Baltimore instructed the colonists to find out if there was a convenient place for making salt; if there were available materials for producing saltpetre; if there was any likelihood of discovering deposits of iron; and to inform him what other commodities could be furnished.[1] In 1639, it was also suggested that excellent wine could be made in Maryland,[2] and shortly thereafter Lord Baltimore was again inquiring about the feasibility of erecting an ironwork.[3] As in Virginia, so in Maryland, these attempts were complete failures, and despite the low prices that prevailed at this time, tobacco from the outset became the colony's standard of value and staple crop for export.[4] Some trade with the Indians for furs was also carried on; this commerce was, however, not thrown open to the colonists, but was reserved by the proprietor for his own benefit.[5] Corn and tobacco were the staple crops of the colony, and at so early a date as 1639 Maryland was already on a well-established basis. In that year Andrew White wrote to Lord Baltimore that their present estate was "euery day bettering itt selfe by encrease of Planters and plantations and large cropps this yeare of Corne and Tobacco." [6]

[1] Calvert Papers I, pp. 139, 140. [2] *Ibid.* I, p. 208. [3] *Ibid.* I, p. 216.

[4] *Ibid.* I, pp. 163, 174, 191. This industry was not attractive to all. In 1638, Thomas Cornwallis, an important trader, wrote to Baltimore that if he had to rely on "Planting this Stincking weede of America," he would leave the colony. *Ibid.* I, p. 176.

[5] *Ibid.* I, pp. 161, 176, 190, 196. Thomas Cornwallis especially objected to this monopoly.

[6] Calvert Papers I, p. 202. Already in 1634, corn was shipped from Maryland to Massachusetts. Winthrop, under date of Aug. 29, 1634.

The early economic development of the Bermudas closely paralleled that of its parent colony, Virginia. Among the first commodities shipped from the islands to England were some amber, seed-pearls,[1] and a quantity of ambergris of considerable value.[2] Such products were, however, found only sporadically, and consequently could not form the economic basis of the community. Early in the history of the colony, tobacco became its staple crop for export.[3] Already, in 1618, objections were made to the colony devoting its energies to this commodity, instead of planting other products, especially sugar-cane.[4] Attempts were made to introduce staple products, such as wines, sugar, and olives.[5] These efforts were completely unsuccessful and, as in Virginia and Maryland, tobacco became at an early date the chief reliance of the colony, and the standard of value upon which its commercial transactions were based.[6]

This development was consistently opposed by the colonizing company. Instructions were sent to plant vines,

[1] Cal. Col. 1574–1660, p. 14; Brown, Genesis II, p. 683.

[2] A cake of ambergris weighing 160 pounds was sold for £12,000. Virginia Co. II, p. 46; London Co. I, p. 192. On ambergris from the Bermudas, see Cal. Col. 1574–1660, p. 15; Cal. Dom. 1611–1618, p. 203; Cal. State Papers, Venice, 1613–1615, p. 25; Brown, Genesis II, p. 639.

[3] Manchester MSS. pp. 31–33 *et passim*. In 1613, the author of a description of the Bermudas mentioned among its products "verie good Tobacco, as I thinke, which through forgetfulnesse, I had almost omitted." A Plaine Description of the Barmudas (London, 1613), p. 12. *Cf.* p. 18. This pamphlet is in Force III, no. 3. See also Purchas XIX, p. 176.

[4] Manchester MSS. pp. 32, 33, no. 229. [5] *Ibid.* pp. 35, 36, nos. 275, 283.

[6] *Ibid.* pp. 37, 47; Lefroy I, pp. 161, 162. At one time, the company tried to introduce a metallic currency, and issued a special coin for the colony. Lefroy I, pp. 100, 101. *Cf.* p. 59.

sugar-cane, and mulberry trees,[1] and in all patents of land it was provided that the grantees should "convenant to imploy their people in reasonable sort in Staple Commodities, and not wholly or chiefly about Tobacco." [2] In 1623, the company renewed these instructions, and urged compliance therewith, "both considering that upon Tobacco noe certayne foundation of the Plantacon can be established, as also to giue His Ma^tie satisfaction . . . who is much distasted w^th the neglect and delay of all other Staple Commodities." [3] Although in these years sugar, grain, and fruits were grown, tobacco was predominantly the chief crop for export.[4]

At about this time tobacco declined rapidly in price, mainly as a result of the increased production, not only in Virginia, but also in the West Indies, whose settlement was being actively effected. Consequently the advisability of this policy became all the more patent. In 1625, the company wrote to the colonial authorities that the greater part of the tobacco shipped from the Bermudas was very poor in quality, and should have been burned according to its former orders; and again suggested the planting of sugar-

[1] Lefroy I, pp. 116, 117. *Cf.* II, p. 592.

[2] *Ibid.* I, p. 206. *Cf.* p. 225.

[3] *Ibid.* I, pp. 297, 298.

[4] An act of the colonial Assembly in 1623 stated that "the cheife and greatest comoditie of theise Islands for the satisfaccon of the hono^ble Companie and to make payment and returns for supplies of all necessarys brought to theise Islands either from our native Countrie or other parts, doth consist only in Tobacco." Lefroy I, pp. 307, 308. In 1624 Sir William Alexander wrote of the Bermudas that, "besides their ordinary (and too extraordinarily valued) Commoditie of Tobacco, they haue growing there Oranges, Figs, and all kind of fruits that they please to plant, and doe now intend to haue a Sugar worke." Alexander, An Encouragement to Colonies (London, 1624), p. 27.

canes, of figs and other tropical fruits, of grapes to make wine, and of mulberry trees to produce silk.[1] The following year,[2] the company wrote: "We cannot but renewe againe that which often heretofore we haue desired. That our people may be caused to giue there mynds and endeavours to raise some other comodities than only this base tobacco." After calling attention to the low price of tobacco and to the new colony in St. Christopher, where excellent tobacco was being produced, the company insisted, not only that the Bermuda product should be very good in quality, but also that the colony should furnish other commodities.[3] In reply to these instructions, the colony stated that it was impossible to limit the quantity of tobacco, that being their only commodity.[4]

From this date on, however, due in the main to the fall in its price, tobacco began to become of relatively less importance to the welfare of the colony. The efforts to introduce staple commodities for export to England, such as silk,[5] were failures, but greater attention was paid to the

[1] Lefroy I, p. 358. [2] *Ibid.* I, p. 376.

[3] Later in this year, 1626, the company instructed the newly appointed Governor, Captain Philip Bell, to check the excessive planting of tobacco, and recommended the cultivation of silk. They especially ordered that only tobacco of exceptionally good quality be made, because into England were imported "greate quantities of Virginia tobacco farre better then it was wont to be, also store of Spanish by lycence and from St. Christopher's Islands, w$^{ch}$ is very good"; all these kinds are in good demand, while that of the Bermudas, being mostly trash, is badly esteemed. *Ibid.* I, pp. 397–399.

[4] *Ibid.* I, pp. 379–384.

[5] An act of the colonial legislature required the planting of a certain number of mulberry trees, and the company offered a reward of £50 for the first shipment of ten pounds of silk, or of ten gallons of cocoons. *Ibid.* I, pp. 499, 500.

development of the islands as a source of provisions. It was these possibilities that had first seriously attracted Englishmen to the Bermudas, and had led to their colonization.[1] In 1632, Governor Roger Wood said that the colony abounded in all sorts of provisions, — corn, potatoes, hogs, turkeys, fowls, and fruits, — which fact "makes our neighbour plantations seek unto us for commerce." [2] In 1633, a vessel came from New England for provisions.[3] At the time there was a temporary shortage, but shortly thereafter this trade became regularly established,[4] and strengthened the marked Puritan element in the Bermudas. During this period also, the valuable cedar forests, which had from the first arrested the attention of the English,[5] were already

[1] In 1609, Sir George Somers, while on his way to Virginia, was shipwrecked on the Bermudas. He found in the islands a large number of wild swine and an abundance of fish, with which he was able to relieve Virginia, then on the verge of a famine. It was as a source of supply for Virginia that the islands first seriously appealed to the English. Lefroy I, p. 10; Cal. Col. 1574–1660, p. 10; Brown, Genesis I, p. 420; A True Declaration of the estate of the Colonie in Virginia (London, 1610), pp. 10, 21, in Force III, no. 1; Purchas XVIII, p. 539; XIX, 13, 61. Somers was not the first Englishman in these islands. Already in 1593, Henry May was shipwrecked there, and during his enforced stay carefully investigated the economic resources of the Bermudas. Hakluyt X, pp. 200–202; John Smith, Generall Historie (ed. 1907) I, pp. 341, 342.

[2] Lefroy I, p. 532.

[3] *Ibid.* pp. 534, 535; Winthrop, under date of June 1, 1634.

[4] Lefroy I, pp. 544, 545; Lechford, Note-Book, pp. 46, 47; Winthrop Papers II, pp. 31, 54; Winthrop I, p. 217. Potatoes, corn, pork, oranges, and limes were exported in comparatively large quantities to Massachusetts.

[5] Hakluyt X, pp. 200–202; A Plaine Description of the Barmudas (London, 1613), pp. 12, 18, in Force III, no. 3.

being utilized in building those vessels,[1] for which the Bermudas were famed in the eighteenth century.

The development of the colony was to some extent hampered by the fact that the company enjoyed a monopoly of its trade, and stringently enforced it in order to secure a return on the money invested in settling the islands.[2] But in addition, the resources of the colony were limited by its small area, and hence as the other colonies developed in population and wealth, the Bermudas became gradually of less and less economic importance.[3] Already at this time there was considerable emigration to other settlements.[4] In the eighteenth century, like the Bahamas, Nova Scotia, and Georgia, this colony was valued chiefly for strategic reasons. It facili-

[1] Lefroy I, pp. 714, 728 *et seq.* Measures were also taken to prevent the destruction of the cedar trees. *Ibid.* II, p. 593.

[2] During its entire existence, the Bermuda Company was accustomed to levy a tax on the tobacco exported in order to defray the cost of governing the colony. This tax was one of the grievances that led to the overthrow of the company toward the end of Charles II's reign, but already in 1623 it aroused considerable opposition. At that time the tax was *4d.* a pound. In consequence of these complaints, the English government ordered the tax reduced to *2d.* Cal. Col. 1574–1660, p. 44; Manchester MSS. pp. 37, 41, 47; Lefroy I, pp. 275, 276, 292, 293, 324, 325. On the royalties reserved by the company, see Lefroy I, pp. 59, 377, 412, 416, 417, 443–445, 472–474, 484 *et passim.*

[3] In 1629, Governor Philip Bell, who subsequently figured prominently in the history of the Providence Island Company, and later in that of Barbados, pointed out that the Bermudas were of slight value. Manchester MSS. p. 48, no. 416.

[4] There was some emigration to Providence Island. H.M.C. X, 6, p. 85. In 1639, in a petition to the Lords Commissioners for Foreign Plantations, the Bermuda Company stated that there was little land in their colony, that many had emigrated, and that 400 to 500 were ready to leave; and therefore it petitioned for a grant of land in Virginia. Lefroy I, pp. 557, 558. The settlement of the Bahamas was shortly thereafter begun by some Bermudians.

tated the protection of the trade-route between England and America, and also that between the British West Indies and the continental colonies. During this early period the military value of the colony was also recognized. Thus, as early as 1623, it was pointed out that the Bermudas were well situated for the defence and preservation of Virginia.[1]

Only very little is known of the early economic history of the islands granted in 1627 to the Earl of Carlisle. They included the chief of the Windward and Leeward groups, among them Barbados and St. Christopher. Their great commercial importance dates from the middle of the century, when the sugar-cane was introduced, and when the Civil War added to their population many who had left England in quest of a peaceful life. But already prior to that time, their economic development was by no means insignificant. In 1636 the population of Barbados was 6000,[2] and in 1639 it was stated that there were 20,000 planters in the Earl of Carlisle's Islands.[3] The chief crop was tobacco.[4] In addition, some of the other typical West Indian products were exported, especially cotton.[5] In the settlements of the Providence Island Company,[6] the economic activity

[1] Manchester MSS. p. 47, no. 384.

[2] Cal. Col. 1574–1660, p. 240.

[3] *Ibid.* p. 295. For the population of some of the other islands, see C. P. Lucas, West Indies, p. 139. None of these figures are absolutely reliable.

[4] See *ante*, pp. 89, 90.

[5] See *ante*, p. 99. *Cf.* Henry Robinson, England's Safety in Trades Encrease (London, 1641), p. 3; Force IV, no. 12, pp. 14, 15.

[6] Providence, Henrietta, Tortuga or Isle of Association. Cal. Col. 1574–1660, p. 131.

was of a similar nature. Tobacco was an important crop, but cotton,[1] fustic, and other dyeing-woods[2] were also shipped to England.

The colonies, whose economic development has hitherto been described, present one common characteristic. Their climate to a varying extent differed from that of the mother country, and consequently their products did not compete with those of England. They were not able to furnish the metropolis with staple commodities, such as naval stores, wine, and silk, but on the other hand their economic pursuits did not run on lines parallel to those of England. Their chief export was looked upon with aversion, but as long as the government was not able seriously to check the consumption of tobacco in England, it was judged more advantageous to use a commodity produced by English labor and capital, than one obtained from a competing European rival in return for bullion.[3] The divergence of the economic structure of these colonies from that of England was still further emphasized by the institution of negro slavery. In the first half of the seventeenth century, England had little or no interest in the slave-trade. The commercial operations of the two African companies consisted chiefly in importing

[1] Cal. Col. 1574–1660, pp. 163, 185, 186, 194, 225, 271, 278, 295.

[2] *Ibid.* pp. 148, 172, 175, 176, 199. West Indian flax, "a solid commodity worth at least 4*s.* per lb.," and gum were also exported thence to England. *Ibid.* p. 180.

[3] Although bitterly opposed to the use of tobacco, William Vaughan urged those engaged in commercial and colonial undertakings in Africa and South America to raise that product, in order to save England the "wastfull expense" of buying it from Spain. Vaughan, The Golden Fleece (London, 1626) III, p. 58.

such products as gold, ivory, redwood, and gum.[1] In 1619, slave labor was introduced in Virginia and the Bermudas,[2] and gradually became a characteristic feature of their civilization. This resulted not from the policy of the English government, but from the profitable nature of the institution. As early as 1621, Governor Butler of the Bermudas said, that "the slaves were the most proper and chief instruments of this plantation." [3] Similarly in the West Indies, slavery at an early date took firm root. In 1627, at the very time of its settlement, there were in Barbados sixty white settlers, and forty to fifty slaves, partly Indians, partly negroes.[4] The profitable nature of this system of labor led to its subsequent great extension in the West Indies.[5] In the New England colonies, however, with their inclement climate and their small household farms, negro slave labor

[1] Commons Journal I, pp. 710, 794; Cal. Dom. 1631–1633, p. 186; Vaughan, The Golden Fleece (London, 1626) III, p. 58. The slave-trade was, however, not unknown. *Cf.* Cal. Col. 1574–1660, pp. 259, 260.

[2] H.M.C. VIII, 2, pp. 34, 35.

[3] *Ibid.* p. 37. In 1623, the Bermuda legislature passed an act "to restrayne the insolencies of the Negroes." Lefroy I, pp. 308, 309. The institution did not become a marked feature of Virginia's social structure until a considerably later date. In 1649, the population of the colony was said to consist of 15,000 English and only 300 negroes. A Perfect Description of Virginia (London, 1649), p. 3, in Force II, no. 8. *Cf.* Bruce, Economic History, II, pp. 57–131.

[4] Winthrop Papers IV, pp. 179–181. Already in 1633 to 1634, there was mention of a conspiracy among the negroes of Barbados. Force IV, no. 12, pp. 14, 15.

[5] In 1645, George Downing wrote to John Winthrop, Jr., about the profits to be derived from slaves in Barbados, pointing out that "in a yeare and halfe they will earne (with God's blessing) as much as they cost." Winthrop Papers I, p. 536.

was never profitable.[1] In other respects also, these Puritan colonies were sharply distinguished from the plantation colonies on the continent and in the West Indies.

The colonization of New England was of an entirely different character from that elsewhere. In Virginia and the Bermudas, the development of the settlements was supervised by trading companies, whose efforts were naturally directed toward securing an adequate return on the large capital invested in the undertakings. This could best be done by producing in the colonies such commodities as England needed, and hence from the outset their development was directed toward making them supplement the economic resources of the mother country. The colony and metropolis were designed to be mutually complementary economic entities. On the other hand, in New England, though the work of settlement was for a time directed by various bodies in England, the two successfully established colonies, New Plymouth and Massachusetts, were from the very beginning virtually free from English control. The transfer of population to these communities was in its essence a schism in the state, being in the nature of a movement of secession on the part of a group of men discontented with the ecclesiastical and political state of England. The economic growth of these communities was regulated mainly by their own immediate interests, without any regard to the welfare of the larger political system of which they formed a part.

In the beginning, serious attempts were made to produce

[1] There was some enslavement of the Indians in Massachusetts. Winthrop Papers I, p. 536. *Cf.* Lefroy II, pp. 48, 49.

commodities desired in England, because these promised the greatest profits. Potent economic forces were, however, arrayed against this development. New England did not belie its name, and in resources was largely a counterpart of the mother country. Its staple products were mainly agricultural, chiefly grain, for which in general there was no demand in England, which was then not only self-supporting, but at times even an exporter of bread-stuffs. Nor could the products of New England's valuable forests be sold to England in competition with those from the Baltic countries. And finally, as regards the New England fisheries, there was no market for their produce in Protestant England, whose wants were in the main supplied from the catch in the waters adjacent to it. With the exception of furs, New England had but little to ship to the mother country. At the same time its other exports, such as fish to the Catholic countries of southern Europe, or food-stuffs to the West Indies, came in direct competition with those from England. In other words, in contradistinction to the plantation colonies, New England, instead of supplementing the economic activities of the mother country, ultimately became a competitive factor, whose economic development according to the prevailing doctrines,— which largely failed to take into account the expansion of trade,— was a direct loss to England. When the colonization of New England was undertaken, however, this development was not foreseen, and great benefits were anticipated from the forests of this region and from its rich fisheries.

From the standpoint of mercantilism, no industry was

of greater national importance than the fishery.[1] It was clearly recognized that the Dutch to a great extent derived their prosperity from this source,[2] and England naturally sought to emulate the example of her chief maritime and commercial competitor. Various measures were adopted to stimulate the English industry.[3] The bulk of the fish caught was consumed in those countries that adhered to the practices of the Roman Catholic Church. Consequently the development of this industry meant a more favorable balance of trade for England. It also implied a larger number of efficient seamen and more shipping, and hence greater naval

[1] Misselden, Free Trade (London, 1622), pp. 34–40; Misselden, The Circle of Commerce (London, 1623), pp. 140, 141; Malynes, Center of the Circle of Commerce (London, 1623), p. 127; Thomas Mun, England's Treasure by Foreign Trade (Glasgow, 1765), p. 13. Mun's famous pamphlet was written before 1628.

[2] John Mason, A Briefe Discourse of the New-found-land (Edinburgh, 1620), in Tuttle and Dean, John Mason, pp. 152–154; Tobias Gentleman, England's Way to Win Wealth (London, 1614), in Harl. Misc. III, pp. 378, 380, 381; The Trade's Increase (London, 1615), in Harl. Misc. IV, p. 214. In 1616, Captain John Smith said that the Dutch were so powerful because "the benefit of fishing is that *Primum mobile* that turnes all their *Spheres* to this height of plentie, strength, honour and admiration." Force II, no. 1, p. 7. In 1625, it was said that the Dutch herring fishery had employed in the preceding year 2400 boats guarded by 40 men-of-war, and was the chief mine which enabled them to persevere in the war against Spain. Cal. Dom. 1625–1649, p. 6.

[3] One result of the Protestant Revolt, was a decline in the English fishery, due to the decrease in the number of fast days. Under Elizabeth various measures, such as the Protestant Lent, were adopted to counteract this tendency. (Cunningham, *op. cit.* II, pp. 67–69, 71–73; Prowse, Newfoundland, pp. 55–56; Hakluyt, Discourse, p. 89.) In 1604, Parliament passed an act to encourage the fisheries, and revived the Elizabethan prohibition of eating meat during Lent. Commons Journal I, pp. 231, 243, 244, 251, 984, 995, 996, 1000; 1 Jac. I, c. 29. See also 1 Jac. I, c. 23.

resources.[1] The fisheries were considered the mainstay of the navy,[2] and consequently, as the importance of sea power was recognized, great stress was laid on this industry as conducive to greater national security.

In general, the English fishery was threefold in nature. A very important branch was that carried on in the waters adjacent to England. These fisheries were largely in the hands of the Dutch, and English efforts were persistently, though unsuccessfully, directed toward rivalling the Dutch therein.[3] The second important branch of this industry was that carried on at Newfoundland, in which the English had established themselves at an early date. Here their chief competitors were the French. Less important than these two branches was the fishery on the coasts of New

[1] Until the time of Cromwell, merchant vessels were potentially men-of-war, and constituted a very important part of the navy. Corbett, England in the Mediterranean II, p. 1.

[2] In 1604, Parliament said that the fisheries "have ever beene the chiefest Seminarie and Nurserie" of seamen for the navy. 1 Jac. I, c. 29. In 1626, William Vaughan said that the fishery "multiplyeth Shipping and Mariners, the principall props of this Kingdome." Vaughan, The Golden Fleece (London, 1626) III, p. 14.

[3] English jealousy of Dutch supremacy in these herring fisheries was very acute. Cal. Dom. 1603–1610, pp. 426, 509, 540, 549. *Cf. ibid.* 1625–1626, p. 522. The Council of Trade of 1622 was especially instructed to consider how England might develop this industry, and in 1630 a special commission was appointed for this purpose. Rymer XVII, pp. 410–415; *ibid.* XIX, pp. 211–213. See also: Sir Thomas Roe's speech of 1641, in Harl. Misc. IV, p. 414; and Cal. Col. 1574–1660, pp. 170, 171. In 1641, an able writer said that "the Fishing trade upon our owne Coasts the fifth meanes of enlarging commerce, and of such great importance as that upon due consideration it may chance bee found not only the Grand, but sole meanes of our future commerce and prosperitie." Henry Robinson, England's Safety in Trades Encrease (London, 1641), pp. 13, 14, and *errata*.

England. The interest of Englishmen had been first directed to the region between Newfoundland and Virginia by the reports of its abundant supplies of fish. The voyages of Gosnold in 1602,[1] Martin Pring in 1603,[2] George Weymouth in 1605,[3] called attention to the excellence of the New England fishery, and led directly to the issue of the charter of 1606. The attempts at settlement made under this patent were, however, failures. But in 1616, Captain John Smith wrote in extravagant terms about the value of the New England fishery,[4] and from that date on an increasing number of English fishermen were accustomed to frequent these coasts.[5] In addition, some few fishing voyages to these waters were undertaken from Virginia.[6]

In 1619, Sir Ferdinando Gorges, the leading spirit interested in the colonization of New England, claimed that such voyages from Virginia infringed upon the rights of the

[1] Smith, Generall Historie (ed. 1907) I, pp. 33, 34; Purchas XVIII, pp. 300 *et seq.*

[2] Smith, *op. cit.* I, p. 37; Purchas XVIII, pp. 322 *et seq.*

[3] Smith, *op. cit.* I, p. 38; Purchas XVIII, pp. 338 *et seq.*

[4] Smith, A Description of New England (London, 1616), p. 6, in Force II, no. 1. See also: Force II, no. 2, p. 17; Gorges, A briefe Relation, p. 12; Cal. Col. 1574–1660, p. 21.

[5] Smith, New Englands Trials (London, 1622), pp. 9–14. Herein it was stated that eighty vessels had gone for this purpose to New England within the preceding eight years, and that in 1622 alone thirty-five had gone. By others, the number in 1622 was placed at thirty. Gorges, A briefe Relation, pp. 28, 29; Purchas XIX, p. 283. In 1624, Sir William Alexander said that forty or fifty ships yearly left for the New England fishery. Alexander, An Encouragement to Colonies, p. 31. See also Force II, no. 3, ch. IV, pp. 39–41; De Vries, p. 5; Bradford, pp. 201, 202.

[6] On the beginnings of this fishery, see Purchas XVIII, p. 539; XIX, pp. 73, 77, 78.

northern adventurers under the charter of 1606.[1] But his contention was not upheld.[2] This dispute,[3] and the increasing importance of the fishery induced Gorges and his associates in 1620 to apply for a new charter. The patent incorporating them as the Council of New England contained a clause permitting the exclusion of any one from trading or living within this large area, unless authorization had been obtained from the company.[4] Those interested in Virginia were, however, on the alert, and succeeded in having the delivery of Gorges's patent delayed.[5] Complaints were also registered by those English fishermen who were accustomed to visit the coasts of New England, and who saw their vocation jeoparded by the monopoly clause in the patent of 1620.

The matter was brought to the attention of the House of Commons, in which was introduced during the session of 1621 a bill for the freer liberty of fishing in America.[6] Before the measure could be fully considered, Parliament adjourned, and during the recess Gorges secured the delivery

[1] Virginia Co. I, p. 277.

[2] *Ibid.* I, p. 285. [3] *Ibid.* I, pp. 321, 322.

[4] Col. Entry Book LIX, pp. 1–28.

[5] Virginia Co. I, pp. 416, 428. The Virginia Company claimed that there was "no reason why they should loose their former right graunted vnto them by the first Patent the Sea allso beinge to all as ffree and comon as the Ayre, and fyndinge less reason why S$^{r}$ Ferdinando Gorges should now appropriate and make a Monopolie of y$^{t}$ fishinge w$^{ch}$ had allredie cost this Company 6000$^{li}$." *Ibid.* p. 411. *Cf.* Gorges, A Briefe Narration (London, 1658), in Maine Hist. Soc. Series I, vol. II, p. 33; Purchas XIX, pp. 278, 279.

[6] Commons Journal I, pp. 578, 591. During the discussions, the question of Parliament's competency to legislate for America was raised. *Ibid.* I, p. 626.

of his patent. At the same time, however, on June 18, 1621, an order in council was issued permitting Virginia and New England to fish within each other's bounds,[1] and according the necessary freedom of the shore for this purpose.[2] This order, however, gave no relief whatsoever to the English fishermen.

When Parliament met again in the autumn of 1621, complaint was made that Gorges had stayed the English fishing ships,[3] and it was decided to proceed speedily with the bill for the freedom of the fishery. Toward the end of the year it passed the lower chamber,[4] but the House of Lords nullified this action by failing to approve of the measure.

In addition to fishing, the ships from the West of England were accustomed to trade with the Indians for furs, and did

[1] Provided the fish caught was for the sustentation of the people of either colony.

[2] For drying nets, cutting wood, and curing fish. This order confirmed the previous ones of March 16, and July 21, 1620, which had decided against Gorges's contention based on the charter of 1606. N. Y. Col. Doc. III, p. 4.

[3] It was stated, however, that the Lord Treasurer had ordered the departure of these ships. The patent was ordered brought before the House, and Sir Ferdinando Gorges and others interested in it were also summoned. Commons Journal I, pp. 640, 668. Gorges was called before the house three times. On the first occasion, Sir Edward Coke denounced the patent as a grievance and a monopoly. Gorges vigorously denied that any monopoly was intended, and stated that the work "was undertaken for the advancement of religion, the enlargement of the bounds of our nation, the increase of trade, and the employment of many thousands of all sorts of people." On his third appearance, Gorges especially emphasized the value of the fisheries, and the necessity of stopping disorderly trading with the natives. Gorges, A Briefe Narration, pp. 34–36.

[4] Commons Journal I, p. 654. *Cf.* H.M.C. III, 1, p. 21. The House of Commons also requested the Treasurer to use his influence to secure a suspension of Gorges's patent. Cal. Dom. 1619–1623, p. 323.

not hesitate to sell them arms and ammunition.[1] In order to stop this dangerous trade, on November 6, 1622, James I issued a proclamation, which stated that the settlement of this region had been much hindered by interlopers, who injured the woods, damaged the harbors, trafficked with the natives and even sold them weapons, and which therefore prohibited all persons from trading upon those coasts without license from the Council of New England.[2]

The English fishermen continued their fight against this monopoly,[3] and in 1624 the matter was again taken up by Parliament.[4] In the House of Commons it was shown that five ships of Plymouth and two of Dartmouth were under arrest, because they had gone to fish in New England. It was accordingly ordered that the charter of 1620 be brought before the Committee of Grievances.[5] This committee reported adversely on the monopoly clause thereof, and the House of Commons thereupon passed a resolution that it was void and against law.[6] At the same time progress was

[1] Bradford, pp. 235, 238, 239.

[2] "Or according to the Orders established by our Privie Counsell, for the Reliefe or Ease of the Transportation of the Colonie *in Virginia*." Rymer XVII, pp. 416, 417. See also the order in council of Oct. 23, 1622, which was to the same effect. N. Y. Col. Doc. III, p. 11. *Cf.* Cal. Dom. 1619–1623, p. 460; Cal. Col. 1574–1660, p. 33.

[3] William Vaughan voiced these complaints, saying that Gorges forced the English fishermen "to compound for their Stages, and pretended the Commodities of the Country to bee due to him, and his Associates, who first discouered the same." Gorges, however, contended that these fishermen wantonly destroyed the woods, threw their ballast into the harbors, and sold arms to the natives. Vaughan, The Golden Fleece (London, 1626) III, pp. 31, 35, 36.

[4] Parl. Hist. I, pp. 1489, 1490. [5] Commons Journal I, pp. 673, 718.

[6] *Ibid.* I, pp. 688, 738. *Cf.* Cal. Dom. 1623–1625, p. 258.

being made with a bill for the freer liberty of fishing in America.[1] In the course of the debate, Sir Edward Coke said that Gorges's patent had been condemned because it made "a Monopoly upon the Sea, which (was) wont to be free." [2] On behalf of the Crown, it was urged that unrestricted freedom to fish would destroy the colonies. The bill finally passed the Commons,[3] but as in 1621, it again met with failure in the upper chamber.[4] In 1626,[5] and again in 1628,[6] similar measures failed to pass Parliament.

The New England Council tried energetically to enforce its monopoly. Fees and licenses were demanded from the English fishermen,[7] and in 1622 Captain Francis West was appointed Admiral of New England, with authority to expel interlopers.[8] His efforts were, however, not successful. According to Governor Bradford, of New Plymouth, West was not able to exercise any authority over the English

[1] Commons Journal I, pp. 673, 686, 692, 694, 718, 737.

[2] He also said that "a Monopoly was attempted of the Wind, and the Sun, by the sole Packing and Drying of Fish."

[3] *Ibid.* pp. 697, 777, 782.

[4] Lords Journal III, p. 330[b]; House of Lords MSS., H.M.C. IV, 1, p. 123.

[5] Commons Journal I, pp. 819, 825; Lords Journal III, p. 526.

[6] Commons Journal I, pp. 874, 884, 887, 898; Lords Journal III, pp. 823[b], 825[b], 827[b].

[7] On Oct. 28, 1622, the company resolved to demand five fish in every hundred caught in return for the privilege of fishing. Rec. of N. E. Council, pp. 66, 67. Later, money fees were demanded from these vessels. Thus in 1625, the *Eagle* of Barnstaple paid £6 13*s.* 4*d.* for a license. *Ibid.* p. 95. In 1623, the agent for some Barnstaple merchants appeared before the company, and stated that three ships of that port had gone to New England, before the proclamation of 1622 had become known to them. He offered £40 as indemnity, which was accepted. *Ibid.* pp. 83, 84.

[8] *Ibid.* p. 69.

fishermen; "he could do no good of them, for they were to stronge for him, and he found ye fisher men to be stuberne fellows." [1] The general result, however, of the attempt to enforce these monopolistic privileges was to check the gradually growing fishing trade from England to these coasts.[2] This tendency was quickened in 1629, when the Massachusetts Bay Company was incorporated. Its charter specifically reserved to all English subjects the privilege of fishing with the necessary rights incidental thereto.[3] But in 1630, as a result of a petition from the company to the effect that the colony was endangered by interlopers, who sold guns, powder, and shot to the Indians, a proclamation was issued again forbidding the frequenting of this region and all trade with the natives without license from the Council of New England.[4] As the profits of these fishing voyages depended to a considerable extent upon the Indian trade,[5]

[1] Bradford, p. 141. 1623.

[2] In 1630, it was said that "it is well knowne, before our breach with Spaine, we usually sent out to *New-England*, yearly forty or fifty saile of ships of reasonable good burden for fishing onely." The Planters Plea (London, 1630), ch. IV, p. 13, in Force II, no. 3.

[3] Poore I, pp. 941, 942.

[4] Rymer XIX, p. 210; Cal. Col. 1574–1660, pp. 120, 121; Cal. Dom. 1629–1631, pp. 388, 554. *Cf.* also Records of N. E. Council, pp. 110, 111. In a letter dated Boston, March 12, 1631, Thomas Dudley wrote to the Countess of Lincoln that these English fishermen "haue furnished the Indians with Guns, Swords, powder & shott." Force II, no. 4, p. 7.

[5] In 1622, Captain John Smith said that "it is certain, from *Canada* and *New England* within these six years (1616–1622) hath come neare 20,000 Beuerskins." New-Englands Trials (London, 1622), p. 19. *Cf.* pp. 12–14. This pamphlet is in Force II, no. 2. In 1614, Smith himself obtained in New England 1100 beaver skins and some other furs. Smith, A Description of New England (London, 1616), p. 1, in Force II, no. 1 On March 12, 1631,

the result of this regulation was the gradual destruction of the New England fishery carried on from England as a base.[1] Nor did the settlers in New England at the outset occupy the abandoned field. New Plymouth was conspicuously unsuccessful in this pursuit,[2] having, according to Governor Bradford, "allway lost by fishing." [3] When Massachusetts was founded, great stress was laid upon the value of the fisheries.[4] The colonizing company was intent upon developing these resources, and sent over salt and fishermen.[5] But during the first decade of its existence, the colony was busy providing food for the large number of immigrants, and whatever fish was caught was used principally for home consumption, and but very little could be spared for export.

This episode had important consequences, both in the history of the Empire, and in that of Massachusetts. The quarrel was largely one between the English fishermen and the colonists, whose interests were divergent. Full liberty of fishing was opposed by Gorges as detrimental to the colonies. It was claimed that the English fishermen

Thomas Dudley wrote to the Countess of Lincoln from Boston that "diverse merchants of Bristow, and some other places haue yearly for theis 8 years or thereabouts sent shipps hether at the fishing times to trade for Beaver." Force II, no. 4, p. 7. *Cf.* Force II, no. 3, p. 13; no. 4, p. 7; Vaughan, The Golden Fleece III, p. 31.

[1] Occasionally some ships of the "West contry men" still came to New England. *Cf.* Winthrop Papers IV, p. 220; Winthrop I, p. 29.

[2] Bradford, pp. 168 n., 168, 169, 208–210.

[3] *Ibid.* p. 262. 1629.

[4] New-Englands Plantation (London, 1630), p. 8 (Force I, no. 12); The Planters Plea (London, 1630) ch. IV, p. 13 (Force II, no. 3); Thomas Morton, New English Canaan (London, 1632), p. 58 (Force II, no. 5).

[5] Records of Mass. I, p. 403.

wantonly destroyed the forests, and injured the harbors by carelessly throwing ballast into them, and moreover that, by supplying the Indians with arms, they converted an insignificant foe into one endangering the safety of the settlements. The progressive party in Parliament supported the interests of the English fishermen. The royalist party, on the other hand, adopted the colonial viewpoint, and throughout defended the colonies. The victory of the Crown meant a distinct sacrifice of the interests of Englishmen in favor of the colonists. As a consequence, English participation in the New England fisheries gradually disappeared, and the fishermen of the western counties of England in course of time devoted their attention exclusively to Newfoundland.[1]

As a result of this abandonment of the New England fisheries, Massachusetts was not brought into frequent

[1] On several occasions, John Smith asserted the superiority of the New England fisheries to those of Newfoundland. Sir Edwin Sandys also expressed the same views. Commons Journal I, p. 591. Similar statements occur in Thomas Morton's New English Canaan (London, 1632), pp. 58, 59 (Force II, no. 5), and in The Planters Plea (London, 1630), ch. IV, p. 13 (Force II, no. 3). These statements are not conclusive, those of Smith being obviously colored by the exuberance inherent in a promoter. It is impossible to ascertain the exact relative excellence of these two fisheries. It is, however, significant that in the second half of the seventeenth century, Massachusetts was able to compete with Newfoundland, and that until stopped by the monopolistic privileges in the charter of 1620, English fishermen were frequenting New England in comparatively large numbers. At all times, however, due mainly to its proximity, Newfoundland was a more important fishing ground from the standpoint of England. The advantages peculiar to Newfoundland are described in John Mason's A Briefe Discourse of the New-found-land (Edinburgh, 1620, and reprinted in Tuttle and Dean, John Mason, pp. 151–154), and also in William Vaughan's The Golden Fleece (London, 1626) III, p. 25.

contact with residents of the mother country, and was spared the interminable quarrels between the planters and fishermen, which for a century and a half were a most prominent feature in the history of Newfoundland. Massachusetts, in consequence, was to a great extent isolated, and was enabled to develop on independent lines, while at the same time the imperial tie was considerably loosened.

Thus the expectation of increasing the English fishery as a result of the colonization of New England met with disappointment. The chief other advantage anticipated from this region was its supposed ability to take the place of the Baltic countries in supplying England with naval stores.[1] In 1607, George Popham asserted that pitch could be produced in New England,[2] and in 1616 John Smith called attention to its wealth of timber.[3] A pamphlet in support of Massachusetts, published in 1630, emphasized the same facts, and stated that the country could furnish an "abundance of Terpentine, Pitch, Tarre, Masts and other materials for building both of Ships and Houses."[4] It was confidently expected that the colony would be able to supply England with these products.[5]

[1] *Cf.* Cal. Col. 1675–1676, p. 68.

[2] Brown, Genesis I, p. 146.

[3] Smith, A Description of New England (London, 1616), p. 12, in Force II, no. 1. See also Smith's New Englands Trials (London, 1622), p. 9, in Force II, no. 2.

[4] New-Englands Plantation (London, 1630), pp. 7, 8, in Force I, no. 12. See also Thomas Morton, New English Canaan (London, 1632), pp. 43–46.

[5] *Cf.* Cal. Col. 1574–1660, p. 156. On Feb. 4, 1632, Sir Richard Saltonstall wrote from Massachusetts to Emanuel Downing: "I doubt not but wee shall rayse good profit not only by o[ur] fishing Trade (which is suffitiently

For a long period of time nothing resulted from these sanguine predictions.[1] All these commodities were produced in the colony, but mainly for home consumption. In England they could not compete with those from the Baltic countries, partly on account of the greater cost of production, and partly because of the higher freight rates from America. Consequently, from the very outset the commercial relations between the New England colonies and the mother country were not very close. With the exception of some furs, these colonies had virtually nothing that could be sold to advantage in England.

The first economic activity in New Plymouth was the planting of corn in order to make the settlement self-supporting.[2] Already in 1626 there was a surplus,[3] which was used to purchase beaver and other furs from the Indians.[4]

knowne) but by Hempe, Flaxe, pitch, tarr, pottashes, sope ashes, masts, pipe staves, clapboard (& Iron as wee hope) . . . I pray you send over by some of your East contrie merchants to gett some few mayster workmen for the ordering of our potash work. Wee have great stores of hemp growing naturally in some pts of the contrie, a sample where of you may call for from this bearer." Coke MSS. Similarly, on Dec. 12, 1633, Emanuel Downing wrote to Secretary Coke: "Lett them but enjoye the lib̃tye of theire patent and to choose theire owne officers as everie corpac̃on doth here, then shall this kingdome clearly gaine by the fruits of theire labors that comodious trade of cordage, pitch and tarr, and that w$^{th}$ôut monie yea for nothing." *Ibid.*

[1] In 1634 some masts were sent to England. Downing wrote that this was "the first ship that cam freighted w$^{th}$ masts into those p$^{ts}$ from thence;" and he added, "I heare the masts were sold soe soone as they were landed at an extraordinarie great price." Downing to Coke, Aug. 23, 1634. Coke MSS.

[2] Bradford I, p. 100. As in Massachusetts later, fish was used as manure. *Ibid.* pp. 100, 105, 142.

[3] *Ibid.* p. 170.

[4] *Ibid.* p. 204.

Agriculture and this trade with the natives constituted the chief support of the colony. Among the first exports from New Plymouth to England was a small quantity of otter and beaver skins.[1] This export trade continued,[2] and in the fourth decade of the century assumed not inconsiderable dimensions.[3]

In the neighboring colony of Massachusetts, agriculture also formed the basis of the community's economic civilization.[4] The most pressing problem was to produce an adequate food supply. Although the soil was by no means so fertile as the early writers thought,[5] in the course of time it yielded not only enough for its inhabitants, but also a considerable surplus for export. In the first years of the colony's existence, however, food had to be imported from Europe and from the sister colonies. In 1631 some corn was imported from Virginia,[6] and on several occasions, in the subsequent years, this commercial transaction was

[1] The chief cargo of this small vessel, however, consisted of clapboards. *Ibid.* p. 108; Smith, New Englands Trials, p. 13, in Force II, no. 2. On the beginnings of this Indian trade, see Bradford, pp. 104, 105, 127. It was greatly facilitated by the use of wampum, which the English learned from the Dutch. *Ibid.* p. 234.

[2] *Ibid.* p. 221. *Cf.* Hutchinson, Mass. I, pp. 48, 49.

[3] During the years 1631 to 1636 there were shipped from New Plymouth to England 12,150 pounds of beaver and 1156 otter skins. Beaver was worth 20*s.* a pound in England. Bradford, pp. 346, 347.

[4] Hutchinson pointed out that those among the settlers who had some capital, like Dudley, Winthrop, Bellingham, and Bradstreet, were not accustomed to commerce. Hutchinson, Mass. I, pp. 89, 90.

[5] Smith, A Description of New England (London, 1616), p. 9 (Force II, no. 1); New-Englands Plantation (London, 1630), pp. 6. 7 (Force I, no. 12).

[6] Winthrop, under date of April 27, 1631. This corn sold for 10*s.* a bushel. *Cf.* Winthrop Papers IV, p. 31.

duplicated.[1] Provisions were also obtained from Maryland,[2] and from the Bermudas.[3] The Dutch likewise supplied Massachusetts,[4] and in addition food-stuffs were imported from England [5] and from Ireland.[6] From about 1637 on, Massachusetts, however, became self-supporting,[7] and thereafter was normally able to produce a surplus of food-stuffs for export.

After agriculture, the main economic activity of Massachusetts in the early days was fishing and its complementary industry, ship-building. In 1626, the fitness of New England for this latter industry was emphasized,[8] and in 1629 the colonizing company sent over six shipwrights,[9] as well as pitch, cordage, sail-cloth, and other naval stores.[10] In 1631, John Winthrop built his bark, *The Blessing of the Bay*,[11] and thereafter other ships were built in increasing

[1] Winthrop, under dates of March 14 and April 16, 1633. On the latter occasion, a Dutch ship brought 2000 bushels of corn which sold at 4*s.* 6*d.* a bushel. See also Winthrop, under dates of June 1, 1634, Aug. 29, 1634, and Aug. 3, 1636. In addition to corn, goats and cattle were imported from Virginia.

[2] Winthrop under date of Aug. 29, 1634.

[3] Winthrop Papers II, pp. 31, 54; Winthrop I, p. 217.

[4] Johnson, Wonder-Working Providence, p. 71; Winthrop Papers, IV, p. 220.

[5] Johnson, *op. cit.* pp. 54, 58.

[6] *Ibid.* pp. 49, 62, 78, 173.

[7] Johnson reported that in 1637 and 1642 food was abundant. *Ibid.* pp. 128, 173, 174. *Cf.* also Lechford, Plain Dealing I, p. 47. On the prosperity of New England in 1638, see H.M.C. XIV, 4, p. 56.

[8] Cal. Col. 1675–1676, p. 68.

[9] Records of Mass. I, p. 394.

[10] *Ibid.* p. 402.

[11] Winthrop I, p. 69. In 1633, a ship of 60 tons was built at Medford. *Ibid.* I, p. 138.

numbers and size.[1] In 1635, it was stated that New England owned at least six ships,[2] and five years later, such colonial vessels were engaged in carrying passengers from England to Massachusetts.[3]

In addition there was some trade with the Indians for furs.[4] The Massachusetts Bay Company at the outset laid especial stress on this trade,[5] and even attempted to reserve it entirely for the benefit of the company.[6] This plan was subsequently modified,[7] and later was abandoned after the corporation had become merged in the colony. In 1641, however, Massachusetts, following the precedent set by the numerous English monopolies, gave to a number of associated individuals the sole right of trading with the Indians.[8]

[1] In 1633, Emanuel Downing informed Secretary Coke that the colony would next year build ships of any burden. Cal. Col. 1574–1660, p. 156.

[2] *Ibid.* p. 212.

[3] *Ibid.* p. 307. These ships were of small tonnage, but in 1636 a vessel of 120 tons was built at Marblehead, and a little later two others were completed, one at Salem of 300 tons, and one at Boston of 160 tons. Winthrop I, p. 230; II, p. 37. In 1642, five ships were built, three at Boston, one at Dorchester, and one at Salem. *Ibid.* II, pp. 79, 91. See also Lechford, Plain Dealing, p. 47. In 1641 an act was passed providing for governmental inspection of the industry. Records of Mass. I, pp. 337, 338. Some small ships were also built in New Plymouth. Bradford, pp. 170, 221. Some vessels were likewise built at New Haven. Johnson, Wonder-Working Providence, pp. 123, 124.

[4] The English fishermen were accustomed to engage in this trade, and so were the scattered settlers in New England before the incorporation of the Massachusetts Bay Company in 1629. New-Englands Plantation (London, 1630), pp. 6, 7 (Force I, no. 12); Thomas Morton, New English Canaan (London, 1632), p. 72 (Force II, no. 5).

[5] Records of Mass. I, pp. 394, 395.

[6] *Ibid.* I, p. 55.

[7] *Ibid.* I, pp. 63, 64. *Cf.* p. 93.

[8] The grantees had to pay into the colonial treasury five per cent of all the

With the exception of these furs, whose aggregate amount was small, Massachusetts had nothing to send to England in order to pay for the manufactures imported thence. Throughout the first decade of the colony's existence, however, this want was not felt. During these years there was a steady stream of immigrants,[1] who brought with them manufactures which they exchanged for provisions. When it seemed probable that the course of Charles I's autocratic government would be checked, this movement of emigration slackened, and it ceased entirely after the meeting of the Long Parliament. The result was a severe economic crisis in New England. The market for Massachusetts's expanding stock of food-stuffs remained stationary, and at the same time its supply of English manufactures was abruptly cut off. There ensued both a scarcity of such foreign commodities, and also a severe decline in the price of the colony's produce. According to Winthrop, "corn would buy nothing. Cows that cost last year £20, now sold for £4 and £5. No man could pay his debts, nor the merchants make return into England for their commodities, which occasioned many there to speak evil of us." [2] The fact that Massachusetts had no staple commodity to export

furs. *Ibid.* I, pp. 322, 323. *Cf.* Winthrop I, p. 231. Naturally Connecticut also traded with the natives. Records of Conn. I, pp. 20, 61; Winthrop I, pp. 132, 133.

[1] It was stated that 21,200 had arrived in the fifteen years from 1629 to 1643. Johnson, *op. cit.* p. 31. *Cf.* Hutchinson, Mass. I, p. 91.

[2] Winthrop II, p. 37. *Cf.* p. 21. In 1642, Lechford wrote: "The price of their cattell, and other things being fallen, they are not at present able to make such returns to *England*, as were to be wished for them." Lechford, Plain Dealing, p. 47.

to England was at the root of the trouble.[1] As a result of this crisis, the entire economic life of Massachusetts was reshaped, and from this period date the real beginnings of New England commerce. "These straits," Winthrop recorded, "set our people on work to provide fish, clap-boards, plank, etc., and to sow hemp and flax (which prospered very well) and to look out to the West Indies for a trade for cotton." [2]

In order to supply the deficiency of European goods, earnest attempts were made to manufacture within the colony.[3] In 1640, the colonial legislature, "takeing into serios consideration the absolute necessity for the raising of the manifacture of linnen cloth &c.," ordered the local authorities to investigate the subject.[4] Later in the year, the legislature encouraged the manufacture of woollens, linens, and cottons by large bounties.[5] In 1641 this law was repealed, owing to the fear that it would prove "overburthensome," [6] but at the same time the legislature, "takeing into consideration the want of cloathing w$^{ch}$ is like to come upon us the next winter," and fearing that cotton will not

[1] In a letter dated Boston, Dec. 19, 1640, it was stated: "Here wants a staple commodity to maintain cloathing to the Colony." Lechford, Plain Dealing, p. 77.

[2] Winthrop II, p. 94.

[3] Under date of 1638, Johnson recorded that the people of Rowley, "many of them having been clothiers in *England*," were the first to set upon making cloth in America. Johnson, *op. cit.* p. 131.

[4] Records of Mass. I, p. 294.

[5] *Ibid.* I, p. 303. In 1642, cotton was imported for this purpose from the West Indies. Winthrop II, p. 94.

[6] Records of Mass. I, p. 320.

arrive in time from the West Indies, ordered the deputies of the towns to see that wild hemp was gathered and used.[1] Similar attempts at manufacturing were also made at this time by New Plymouth[2] and Connecticut,[3] which were also adversely affected by the economic crisis.

Such artificial experiments could not afford any permanent relief. This was secured by the growth of the trade with the West Indies. The great economic development of the English colonies in the Caribbean dates from these years, and again brought prosperity to New England. The West Indies consumed large quantities of fish, grain, and lumber, all of which could be furnished on advantageous terms by New England. Prior to this time there had been but little fish exported from Massachusetts, but now the expansion of the fishery was encouraged by the legislature.[4] In 1641

[1] Records of Mass. I, p. 322. *Cf.* Lechford, Plain Dealing, p. 47. In 1641 also, a renewed attempt was made to manufacture salt. *Ibid.* I, pp. 331, 390, 391. At the same time likewise, the manufacture of glass was encouraged. *Ibid.* I, p. 344.

[2] In 1639, the legislature ordered every householder to sow yearly a certain quantity of hemp and flax. Records of New Plymouth, Laws 1623–1682, p. 32. *Cf.* p. 36.

[3] In 1641 and 1642, the raising of hemp and flax was made obligatory, that of hemp being partly designed in order to manufacture cordage for ships. Records of Conn. I, pp. 61, 64, 79. At the same time the importation of cotton was encouraged, as necessary for the comfortable support of the colony. *Ibid.* I, p. 59.

[4] Fish had been used as manure, but in 1639 the use of cod and bass for this purpose was prohibited. Hutchinson, Mass. I, p. 94; Records of Mass. I, p. 258. In 1639, the legislature exempted the men, ships, and capital employed in the fishery from taxes for seven years. Records of Mass. I, pp. 255, 256. For further encouragements, see *ibid.* I, pp. 326, 327. *Cf.* Lechford, Plain Dealing, p. 47; Winthrop I, p. 370.

this industry was already very successful; in this year 300,000 dry fish were sent to market.[1] Such a purely colonial industry was, however, of slight advantage either to the mother country or to the Empire as a whole. It bred seamen, but not seamen who were available for the English navy, and consequently it did not increase English sea power except in a very indirect manner. At the same time also, the colonial industry competed with the English fishery at Newfoundland, and to the extent that it checked its growth, it diminished the naval resources of the mother country, upon which depended the security and safety of the Empire.

One of the chief sources of New England's later wealth were the forests, from which an abundant supply of lumber was obtained for export to Madeira and the other "Wine Islands" off Africa, and also to the West Indies. Up to 1640, however, Massachusetts prohibited the exportation of staves and other prepared lumber.[2] This trade also developed as a result of the crisis of 1640.[3] The cessation of immigration had other results as well. The settlers were accustomed to bring some money with them, and consequently, up to 1640, there was generally enough coin

[1] Winthrop II, p. 50.

[2] Records of Mass. I, p. 292. Johnson, however, stated that in 1636 some lumber was exported to Barbados. Johnson, *op. cit.* p. 85. *Cf.* also the contract of June 4, 1639, in Lechford, Note-Book, p. 92.

[3] Winthrop II, pp. 94, 111. In 1641, in order to advance the trade to the West Indies for cotton, Connecticut provided that no pipe-staves could be exported unless they had been inspected. Records of Conn. I, p. 40. *Cf.* pp. 67, 79, 200. See also Weeden, Economic and Social History of New England I, pp. 142–144.

in Massachusetts. Thereafter some scarcity was felt,[1] to remedy which, during the month of October, 1640, the legislature ordered that future contracts could be settled by the tender of any one of a number of the colony's agricultural products at a fixed valuation.[2]

Newfoundland, the oldest colony in the British Empire, belongs to neither of the two groups hitherto considered, but stands in a class by itself. English interest in this region is connected with the exploring activity of Cabot. In the first half of the sixteenth century, several other voyages to Newfoundland were undertaken,[3] and from this time dates England's participation in the fisheries on the banks off this island.[4] In 1578, there were 100 Spanish,[5] 50 Portuguese, 150 French and Breton vessels, as opposed to only 50 English sail engaged in this fishery. But in spite of their numerical inferiority, the English, it was reported, were commonly lords of the harbors where they fished.[6] Five years thereafter, Sir Humphrey Gilbert took formal possession of the island,[7] and in 1584 Hakluyt urged the English government to retain this acquisition and to force all foreigners there to pay customs.[8]

[1] Lechford, Plain Dealing, p. 47.

[2] Indian corn at 4*s*. a bushel, summer wheat at 6*s*. a bushel, *etc.* Records of Mass. I, p. 304. A similar measure had, however, been passed some years before. Weeden, *op. cit.* I, p. 119.

[3] Hakluyt VIII, pp. 1–3.

[4] A statute of Henry VIII, and one of Edward VI, referred to this fishery. *Ibid.* VIII, pp. 7–9; Prowse, *op. cit.* pp. 33, 53.

[5] Besides 20 to 30 vessels engaged in whaling.

[6] Hakluyt VIII, pp. 10, 11. *Cf. ibid.* pp. 51, 53.

[7] *Ibid.* VIII, pp. 52, 53.

[8] Hakluyt, Discourse, pp. 47, 87, 88. In 1624 it was said that "long before

England's close territorial connection with Newfoundland arose in great part from the peculiar nature of its fishery. The other nations, especially the French, were accustomed to cure their fish in Europe,[1] but the English prepared their fish for market on the island itself.[2] This latter method necessitated the leaving of small bodies of men in Newfoundland during the winter, to cut timber for building cook-rooms, stages, wharves, as well as all else required by the local curing of fish.[3]

Beyond these scattered and temporary settlements, nothing was done toward the more intensive colonization of Newfoundland until 1610, when a company was incorporated for this purpose. The object of this company was not only to engage in the fishery, but also to develop the resources of the island, in the expectation of supplying England with masts, timber, and other products.[4] One clause in its charter carefully safeguarded the rights of those, whether

his (Gilbert's) time and ever since the *English* had vsed to fish vpon the Banke, and within the Bayes of *Newfound* Land." Sir William Alexander, An Encouragement to Colonies (London, 1624), p. 25.

[1] This was called bank or "corr" fishing.

[2] In 1636, it was said that the making "of corr-fish upon the Grand Bank in the Ocean" had not yet been practised by the English. Cal. Dom. 1635–1636, p. 389. See also Edward Haie's account of Gilbert's voyage, in Hakluyt VIII, p. 49.

[3] Prowse, pp. 59, 93.

[4] In 1584, Hakluyt thought that Newfoundland could furnish England with resin, tar, masts, and cordage. Hakluyt, Discourse, p. 90. As late as 1626, William Vaughan was confident that Newfoundland could supply England with fur, timber, masts, pitch, tar, resin, turpentine, honey, and grain. Vaughan, The Golden Fleece (London, 1626) III, pp. 15, 16. *Cf.* Purchas XIX, pp. 410–416, 435; Cal. Col. 1574–1660, p. 23.

English or foreign, who engaged in the Newfoundland fishery.[1]

Despite this provision, there developed considerable friction between the fishermen from England and the colonizing company. In 1618, these fishermen complained that the settlers in the colony established by the company interfered with them, ejecting them from the best fishing places, appropriating great quantities of their provisions, preventing them from taking bait, and exacting fees.[2] In answer, the Newfoundland Company stated that the expense involved in maintaining a colony entitled the inhabitants to choose their fishing places, but that they knew of no wrongs done to the English fishermen.[3] From this time dates the chronic conflict between the English fishermen and the colony, which for a hundred and fifty years was a most conspicuous factor in the history of Newfoundland. The English fishermen objected to any permanent settlement in the island, as it competed with them. The government, however, at this time decided in favor of the colony, and in 1619 instructed the mayors of the seaport towns in the West of England to give directions to the

[1] "There be unto all persons of what nation soever, and to our subjects who do at present or hereafter shall trade to the parts aforesaid for fishing, all liberties, powers, and easements, and all other benefits whatsoever, as well concerning their said fishing, as all other circumstances, in as large and ample manner as they have heretofore enjoyed the same, without disturbance or exaction, anything in these presents to the contrary notwithstanding." Cal. Col. 1675–1676, p. 37; Prowse, appendix, pp. 122–125. *Cf.* Cal. Col. 1574–1660, p. 21; Purchas XIX, p. 409.

[2] Cal. Col. 1574–1660, p. 20; Cal. Dom. 1611–1618, p. 586.

[3] *Ibid.*

vessels bound for Newfoundland to refrain from all acts of hostility and to maintain friendly relations with the planters.[1]

In 1621, during the debate on the bill for the freedom of fishing in America, this matter was discussed in the House of Commons. John Guy, the real founder of the colony, claimed that this measure would deprive the inhabitants of Newfoundland of the trade of fishing, and proposed an amendment. The Secretary of State, representing the government, supported Guy, saying that the plantations were fit to be cherished and that without this amendment they would be overthrown. Others, however, pointed out that the fishery was more important to England than was the colony, and consequently the amendment was rejected.[2] This, however, made but little difference, as the House of Lords failed to pass the measure.

The government further showed its interest in the colonization of the island by granting in 1623 a large tract therein to Sir George Calvert, later Lord Baltimore.[3] His attempt at settlement was, however, largely a failure. In addition to the inhospitable climate, the French interfered seriously with him.[4] In 1629, Baltimore wrote to the King that he could not overcome these difficulties, and was "forced to shift to some warmer climate of the New World."[5] The company of 1610 had also slackened its efforts. In 1637, Trinity House summed up the situation

[1] Cal. Col. 1574–1660, p. 23.
[2] Commons Journal I, p. 654.
[3] Col. Pap. II, 23. On Baltimore's activity see: H.M.C. XII, 1, p. 187; Purchas XIX, pp. 442–446.
[4] Cal. Col. 1574–1660, pp. 93–95.
[5] *Ibid.* pp. 100, 101.

in its report to the Privy Council, stating that those who had tried to settle Newfoundland had never thriven, though the men attempting it, such as John Guy, John Mason, and Lord Baltimore, were ingenious and of excellent parts.[1]

In the meanwhile the fishery to Newfoundland carried on from England was progressing most favorably. In 1615, there were 250 English ships fishing at Newfoundland with a total tonnage of 15,000, and employing 5000 men.[2] A few years later, in 1621, about 300 ships with a correspondingly large number of seamen left England for this fishery.[3] The wars with Spain and France somewhat checked this growth,[4] but in the fourth decade of the century

[1] *Ibid.* p. 246.

[2] The value of the fish caught was £120,000, and that of the oil £15,000. These figures are given by Richard Whitbourne, who was intimately acquainted with the fishery. Purchas XIX, pp. 436, 437. A pamphlet published in this year, however, says that only 150 English ships were engaged in this industry. The Trade's Increase (London, 1615), in Harl. Misc. IV, p. 206. *Cf.* also p. 211.

[3] Commons Journal, I, p. 591. In 1620, John Mason stated that this industry employed 3000 seamen and bred new ones daily, that 300 ships were engaged therein, that it supported 20,000 people in England, and that the customs on the goods imported from southern Europe in return for the fish sold there amounted to £10,000 yearly at least. Tuttle and Dean, John Mason, pp. 152–154. The same facts are given in a petition of the company in 1621, except that the number of seamen was placed at 10,000. Cal. Col. 1574–1660, p. 25.

[4] In 1625, the English fishing fleet bound for Newfoundland consisted of 250 sail, with 4000 to 5000 seamen. Cal. Col. 1574–1660, p. 75. In 1628, it was said that in times of peace, the entire fleet that set forth for Newfoundland from the English ports between Bristol and Southampton used to amount to 300 vessels, employing 6000 men. Cal. Dom. 1628–1629, p. 103. In 1626, William Vaughan stated that this fishery employed 8000 persons sent yearly for six months to Newfoundland. Vaughan, The Golden Fleece (London, 1626) III, p. 14.

it was asserted that the English fleet engaged in fishing at Newfoundland employed 10,680 mariners and amounted in the aggregate to 26,700 tons.[1] In order to control this industry detailed regulations were drawn up,[2] and in order to enforce them and at the same time to protect the fishery from pirates [3] and from foreign hostilities, men-of-war were sent to Newfoundland.[4]

As the efforts at settlement were largely unsuccessful, the English fishermen were satisfied with the existing conditions.[5] But in 1637 a renewed attempt was made to form a permanent colony. In that year, on the ground that 'divers of our poor subjects in the said province are living without government,' Charles I made a fresh grant of Newfoundland.[6] The patentees, among whom was Sir David Kirke, were enjoined to tax all aliens fishing there, and also received a monopoly of the island's trade, exclusive of the fishery. The English fishermen vigorously, but unsuccessfully, opposed this charter,[7] and thereafter were continually quarrelling with Kirke, who personally took charge of the colony.[8]

[1] Cal. Dom. 1633–1634, p. 393. In 1631, Plymouth sent 60, Dartmouth 80 ships, besides those from Barnstaple, Topsham, *etc.* H.M.C. III, 1, p. 71.

[2] Cal. Col. 1574–1660, pp. 26, 173, 174. The order of the Court of Star Chamber issued in 1634 was the fundamental regulation.

[3] *Ibid.* pp. 20, 25, 26.

[4] Vaughan, The Golden Fleece (London, 1626) III, p. 25; Prowse, p. 108 n.; Cal. Col. 1574–1660, pp. 94–95.

[5] In 1631, Trinity House so reported to the Privy Council. Cal. Col. 1574–1660, p. 246.

[6] Col. Pap. IX, p. 76; Col. Entry Book LXV, pp. 11–27.

[7] Council Register XIII, pp. 235, 319, 345; XIV, pp. 66, 122.

[8] Cal. Col. 1574–1660, p. 306. In 1640, Plymouth wrote to Laud that this

The Newfoundland fishery was regarded as of very great national importance. Vaughan, who was personally interested in colonizing the island, fairly accurately represented public opinion when he said: "This is our *Colchos*, where the *Golden Fleece* flourisheth on the backes of *Neptunes sheepe*, continually to be shorne. This is *Great Britaines* Indies, neuer to be exhausted dry." [1] Though some of this fish was consumed in England,[2] and some in the other English colonies,[3] a large portion was sold in southern Europe. It served to pay for the wine, salt, sugar, and other products that England imported from those countries, and was an important item in the balance-sheet of the nation's trade.[4] From the purely economic standpoint, in so far as it secured this industry, Newfoundland conformed most closely to the canons of the mercantile system and was the most valuable of the English dominions beyond the seas.[5]

patent would destroy the English fishery, "the chief seminary of seamen in these parts." Kirke was accused of sundry misdeeds, which he vigorously denied. *Ibid.* p. 315; Cal. Dom. 1639–1640, p. 363. Kirke was also at odds with the planters. Winthrop Papers III, pp. 119, 120.

[1] Vaughan, *op. cit.* III, p. 9. [2] De Vries, p. 7. [3] *Ibid.* p. 6.

[4] This was especially so as labor was the main item in the cost of production. As Vaughan said: "By this Trading into Newfoundland, no commoditie is carried out of the *Kingdome*, as in other voyages, which is a matter of great consequence." Vaughan, *op. cit.* III, p. 16. See also Purchas XIX, p. 437.

[5] In 1641, Henry Robinson, an economic writer of considerable merit, said that one of the many ways, in which England could become prosperous, was "by cherishing and furthering our severall Plantations in Virginia, Bermudas, Saint Lawrence, Saint Christophers and elsewhere, especially perswading to inhabit and fortifie, so farre as may bee requisite, the Banke of New-foundland where we catch fish." Henry Robinson, Englands Safety in Trades Encrease (London, 1641), p. 4.

# CHAPTER X

## THE IMPERIAL ADMINISTRATIVE SYSTEM, 1606–1640

As the proposed settlements were to be under English jurisdiction, one of the first questions that arose in the course of the movement of expansion was the nature of the political relations between the colony and the mother country. On the one hand, the colony could be considered merely as an extension of the state, and hence as an organic and integral part thereof; or it could be regarded as a dependent community, in varying degrees of subordination. At the time of the founding of the colonies, few, if any, held the former view. It was only considerably later, after the new communities had taken a firm root, that this idea was advanced, and then it was suggested, not by the continental colonies, but by Barbados.[1] When the char-

[1] In 1652, Colonel Thomas Modyford, then a prominent settler in Barbados, and later closely identified with the history of Jamaica, wrote to John Bradshaw, that the Barbadians would delight to have the same form of government as England, and that he would desire, although it "may seem immodest," that two representatives should be chosen by the island to sit and vote in Parliament. Cal. Col. 1574–1660, p. 373. A generation later, during the controversy over the impost on sugar, the same colony developed this idea more clearly. The representatives of Barbados stated, that those in favor of the duty "think they have a great advantage over us in regard we have none to represent us in Parliament. 'Tis true, we have not: but we hope we may have them." They asked if land adjoining England, which by some chance had been reclaimed from the sea and settled, would not be considered a part

ters were issued, it was on the distinct assumption that the colonies were to be dependent communities. The degree of subordination stipulated in the different charters varied somewhat, but in general the political relation was not close, the colony being loosely regarded as a fief held of the Crown of England.

The charter granted by Henry VII in 1496 to John Cabot and his sons gave them permission to subdue and hold land as the Crown's vassals and lieutenants, "getting unto us, the rule, title and jurisdiction" thereof.[1] The Ashehurst patents of 1501 [2] and 1502 [3] were modelled on the same general plan. In the charter issued in 1578 by Elizabeth, Sir Humphrey Gilbert was granted permission to discover and settle lands not actually possessed by any Christian prince or people, "and the same to have, hold, occupie, and enjoy to him, his heires and assignes for ever, with all commodities, jurisdictions and royalties both by sea and land." [4] This land was to be held of the Crown, and its inhabitants were to be "of the allegiance of us, our

of England? "And why," they further queried, "may not the Plantations expect the like Kindness and Favour? If the thing be duly weighed, They also are meer Additions and Accessions to *England*, and Enlargements of it. And our case is the very same with the case supposed. Only herein lies the difference, that there is a distance and space between *England* and the Plantations. So that we must lose our Country upon the account of Space, a thing little more then imaginary: a thing next neighbour to nothing." The Groans of the Plantations (London, 1689), pp. 23, 24.

[1] "Dominium, titulum & jurisdictionem." Hakluyt VII, pp. 142, 144.

[2] Biddle, Cabot, appendix, p. 312.

[3] Rymer XIII, p. 37; Hazard I, p. 11.

[4] Hakluyt VIII, p. 17.

heires, and successours." Furthermore, it was provided that all English subjects emigrating to these lands, should "enjoy all the privileges of free denizens and persons native of England, and within our allegiance." Full powers of government were granted to Gilbert, on condition that the laws enacted "may be as neere as conveniently may, agreeable to the form of the lawes & pollicy of England." [1] The provisions of this patent were virtually duplicated in that granted to Raleigh six years thereafter, in 1584.[2] These grants were distinctly feudal in nature, in that governmental rights were treated like private property, and were bestowed together with the soil upon the patentee. The duties of the grantee were, however, of a very limited nature, and hence the relation of a dependency of this character to the parent community would necessarily have been very loose.

The accession of James I marks the beginning of the era of permanent settlement, and with it an attempt at more definite political control over the proposed colonies. The charter of 1606, under which Virginia was founded and the way paved for the settlement of New England, provided for the establishment of a number of councils, of which the superior one was to be resident in England. The councils located in the two proposed colonies were to govern the settlements in accordance with instructions issued by the Crown. The superior council, officially des-

[1] "And also, that they be not against the true Christian faith or religion now professed in the Church of England."

[2] Hakluyt VIII, pp. 289–296.

ignated by James as "Our Council of Virginia," was to be nominated by the King and was to have general control over all the settlements in the vast area included in the grant.[1] This Royal Council of 1606 was the first administrative body created solely for the purpose of supervising colonial affairs. As such it was the direct ancestor of numerous later organs, such as the special standing committees of the Privy Council, the Board of Trade, and the Secretary of State for the Colonies. Its life was, however, of but short duration. Experience in the first years of Virginia's history quickly showed that the system of local government provided by the charter of 1606 was defective, and also that the extensive control allotted to the government deterred capital from investing freely in the enterprise. Accordingly in 1609 and 1612, new letters patent were obtained, fully incorporating those interested in settling Virginia, and granting to them a definite area of land with the right to govern the settlers thereon. These charters also provided for a council resident in England, and specifically designated its members. But all vacancies in this body were to be filled by the company at its regular meetings.[2] Instead of being a royal administrative body, as under the charter of 1606, this council was virtually the directorate of a trading and colonizing company. Thus the first attempt

[1] On the composition of this body, see Brown, Genesis I, pp. 91 *et seq.*; Baxter, Gorges III, pp. 122–126.

[2] But every councillor so chosen had to be presented to the Lord Chancellor, to the Lord High Treasurer, or to the Lord Chamberlain to take his oath 'of a councillor to us for said company of adventurers and colony in Virginia.' Poore, p. 1898.

to create a governmental organ for the control and administration of colonial affairs proved abortive.[1]

The charters of 1609 and 1612 established the relations of Virginia to England on a distinctly feudal basis, similar to that contemplated in the Elizabethan grants to Gilbert and Raleigh. Instead of an individual securing an area of land with broad governmental rights, these privileges were granted to an incorporated body of men. The only distinction is, that the company, on account of its corporate nature, was subject to more governmental interference than was the individual. When the enterprise was undertaken by a number of associated individuals, the colonial charters issued by the first two Stuarts conformed to the general character of the Virginia charter of 1609, which in turn was based on the letters patent granted to the great trading companies. When issued to a single person, the colonial charters took the form of the earlier Elizabethan grants. But so far as the imperial tie was concerned, this made, if any, but a slight difference. The Penkevell patent of 1607, the Newfoundland charter of 1610, that of the Bermuda

[1] Alexander Brown states that the charter of 1609 did not revoke the authority granted in 1606 to the Royal Council, and hence that the authority of this body remained in effect over the territory of the proposed northern colony. Brown, Genesis I, p. 207. From a legal standpoint, this is probably true, but the question is largely academic, as there is virtually no trace of any activity on the part of such a body after 1609. Brown's contention is supported by the fact that, in 1619, Gorges suggested that a matter in dispute between New England and Virginia be referred to "the Councell who are of both Companies." In the margin of the record, this body is referred to as "the Councell of both Comp$^{a}$:" Virginia Co. I, p. 277. The two companies referred to may, however, have been those for Virginia and the Bermudas.

Company of 1615, those of New England issued in 1620 and 1629, the Guiana patent of 1627 and that of the Providence Island Company of 1630 were all patterned on the charters issued to the trading companies, as were the Virginia patents of 1609 and 1612. Raleigh's patent of 1616, Baltimore's Avalon grant of 1623, the West Indian charters of 1627 and 1628, the Carolana,[1] Maryland,[2] and Maine[3] patents were proprietary grants like those issued to Raleigh and Gilbert. The political tie binding such a colony to the metropolis was necessarily of a very tenuous nature. The colonists were all subjects of the Crown, but the English government had no officials resident in the colonies. In practice, virtually the sole connecting link between the settlers in America and the mother country was the proprietor, whether an individual or a corporation, who governed the dependency, subject to a greater or less degree of control by the provincial legislature.

Thus the colony was in the nature of a fief held of the Crown of England, to which definite political rights and immunities had been secured by its charter. But the relation between England and the colonies was not one of mere personal union, with no other bond than that of a common sovereign. The colonies were part of England's dominions, and were held of the English Crown, not of the individual who at the time was King of England. They were dependent communities, whose peculiar and close relation to the Crown was a direct result of the legal constitution of the mother country at the time of their founda-

[1] 1629. [2] 1632. [3] 1639.

tion. In England at this time legal sovereignty, that is the supreme authority in the government, was in a condition of unstable equilibrium. The Stuarts not only insisted upon the prerogatives that they had inherited from the Tudor monarchs, but even sought to amplify them, basing their claims to legal omnipotence upon an extramundane sanction. On the other hand, Parliament strenuously opposed this contention, and relying mainly on precedents established before the Tudor era, claimed rights that tended toward its ultimate supremacy in the government. The constitutional struggles of the age were fundamentally concerned with this conflict of view, but the Crown in the beginning held the advantage that long-established possession of power conferred. The close connection of the colonies with the Crown arose from the fact, that the King stood as the embodiment of the sovereignty of the English state. The union of colony and metropolis was in no sense a personal one. In such a relation each community is self-sufficient and, though often influencing the other, works out its destiny by means of its own resources. The English colonies, however, were not sister communities of England, but dependent local jurisdictions for whose welfare and safety the mother country had assumed the responsibility.

The Crown's claim to this exclusive jurisdiction over the colonies was opposed by Parliament, which asserted that it had authority to legislate for the Empire. In 1621, in the course of the debate in the House of Commons on the bill for the freedom of the American fisheries, the Secretary

of State denied the competency of Parliament 'to make any Laws here for those Countries, which are not as yet annexed to this Crown,' and asserted that "this Bill was not proper for this House, because it concerneth America." [1] In answer thereto, it was contended that Parliament could legally "make Laws here for Virginia; for, if the King will Consent to this Bill, passed here, and by the Lords, this will controul the Patent." [2] The Crown was able to resist such claims, and during the entire period until the eve of the Civil War, Parliament passed no act directly affecting the colonies.

At various times, however, mainly because the proprietors were English subjects resident in England and thus subject to its jurisdiction, matters vitally affecting the American dependencies came before Parliament. In 1614, when the Virginia Company appealed to Parliament for assistance, the affairs of the colony were discussed in some detail, but with no actual result.[3] In 1621, the House of Commons took action upon a number of matters directly concerning the colonies. A complaint from colonial sources against the tobacco monopoly was considered; [4] a measure was agreed to in favor of excluding Spanish tobacco; [5] and a bill was passed which, if it had been approved by the Lords and the Crown, would have nullified the monopolistic clauses

[1] Commons Journal I, pp. 591, 626.

[2] *Ibid.* I, p. 592.

[3] *Ibid.* I, pp. 481, 487–489. *Cf.* Chalmers, Political Annals (London, 1780), pp. 34, 35; Cal. State Papers Venice, 1613–1615, p. 119.

[4] Commons Journal I, p. 586.

[5] *Ibid.* I, p. 552.

in the New England charter of 1620.[1] A few years thereafter, in 1624, the Virginia Company, whose existence was threatened by the hostility of the Crown, brought its grievances before Parliament.[2] But when James I wrote to the Speaker,[3] that the House of Commons should drop the matter, as the Privy Council had it under consideration, no further action was taken.[4]

In addition, at various times it was suggested that a parliamentary sanction be given to the colonial charters.[5] In 1621, James I agreed to let the Virginia Company have a new patent and made no objection to its proposed confirmation by Parliament.[6] Furthermore, in 1629 a bill was introduced in the House of Commons to confirm the Bermuda charter of 1615.[7] In neither case was any action taken, and thus throughout the entire period the intimate connection between the colonies and the Crown remained unbroken.

[1] Commons Journal I, pp. 578, 591, 654.

[2] *Ibid.* I, p. 691. For the petition see: Virginia Co. II, pp. 526–528; London Co. II, pp. 263–266. *Cf.* H.M.C. IV, 1, p. 122.

[3] Commons Journal I, p. 779; Lefroy I, pp. 336, 337; Cal. Dom. 1623–1625, p. 227.

[4] On May 6, 1624, Nethersole wrote to Carleton that, though reluctant, the House of Commons had entered upon a consideration of the case of the Virginia Company, and that the order of James was assented to in general silence, but not without whispers that by such means any business might be taken out of the hands of Parliament. Cal. Dom. 1623–1625, p. 237.

[5] An attempt was made to obtain such a confirmation for Raleigh's charter of 1584. Osgood, American Colonies III, p. 12; Channing, United States I, p. 124 n.

[6] Virginia Co. I, p. 438; London Co. I, p. 104.

[7] Commons Journal I, p. 926.

The characteristic feature of colonial administration under these early charters was that the English government had no officials resident in the colony, and could exercise its control over the dependent community only through the proprietor. These charters were in the nature of contracts, and could be legally revoked only by the courts on suit brought by the Crown, showing that their provisions had been violated by the patentees. At the outset, as in all other enterprises whose success is doubtful, but whose social utility is great, the government, without any thought of the future, granted extensive immunities in order to attract the necessary capital. But as is usual, once success was assured, there started a movement to curtail these privileges. Thus at an early date there can be noted a tendency to restrict the powers of government granted to the proprietors, to abolish these feudal jurisdictions, and to erect in their stead provinces governed by the mother country directly without any intermediary. The most conspicuous early instance of this development was the abrogation of the Virginia Company's charter in 1624.

In 1619, on account of the pressure of other work, Sir Thomas Smythe, one of the leading captains of industry of the age, resigned from his position as executive head of the Virginia Company, and was succeeded as Treasurer by Sir Edwin Sandys.[1] Shortly thereafter,[2] dissensions between the old and the new management manifested themselves, and in the following years these became greatly in-

[1] Virginia Co. I, pp. 212, 213; London Co. I, p. 3.

[2] Bradford, p. 37. On the specific causes of these disputes see: Virginia Co. II, pp. 400–409; London Co. II, pp. 195–200.

tensified. In general, James I sided with the Smythe faction,[1] not only because Sandys and his friends were closely identified with the opposition in Parliament,[2] but also because he was dissatisfied with the slow progress of the colony and its exclusive devotion to tobacco. In 1623, during the discussions over the tobacco contract, the disagreements between the two factions culminated in extreme bitterness.[3] The minority complained to the King that the company and colony had been mismanaged during the pre-

[1] *Cf.* James's attempts to influence the company's elections in 1620 and 1622. Virginia Co. I, pp. 348, 357, 384, 385; II, pp. 28, 29; London Co. I, pp. 63, 71, 72, 77, 78, 177, 178.

[2] Virginia historians have a tendency to identify completely the cause of the company with that of Parliament, and have spared no adjectives in reviling the Earl of Warwick and Sir Nathaniel Rich as upholders of absolutism. This has, however, been greatly overdone. The future careers of both these men are inconsistent with such an interpretation. In this connection it is worth noting, that they were closely associated with John Pym, Oliver St. John, Lord Saye and Sele, and others of the so-called patriot party in the Providence Island Company, formed in 1630. Cal. Col. 1574–1660, p. 123. At the same time they were also very friendly to the Massachusetts enterprise. On Dec. 9, 1630, John Humphrey wrote to Isaac Johnson: "Wee are all much bound to my lord Say for his cordial advice & true affections. As also to my lord of Warwicke. Sir Nathaniel Rich deserves much acknowledgment of his wise handling." Winthrop Papers I, p. 3. See also Gorges, A Briefe Narration, p. 51. Cromwell had "a fast friendship" with Warwick, and was "much afflicted" by his death in 1658. Clarendon, History of the Rebellion (ed. Macray) VI, p. 90.

[3] *Cf.* Cal. Dom. 1619–1623, pp. 30, 562; Cal. Col. 1574–1660, pp. 44–46, 62. On July 26, 1623, Chamberlain wrote to Carleton, that last week Cavendish and Warwick had quarrelled at a meeting of the two colonizing companies, and that the lie had passed and repassed between them. "The factions in those two Companies," he added, "are growne so violent as Guelfs and Gibelines were not more animated one against the other, and they seldome meet upon the exchange or in the Streets but they brabble and quarrel." Lefroy I, pp. 322, 323.

ceding four years,[1] laying especial stress upon the disastrous results of disease, starvation, and Indian massacre, whose combined effects had all but annihilated Virginia.[2] Accordingly the government appointed a commission to inquire into the alleged abuses.[3] These commissioners reported that most of the settlers in Virginia had perished, and that those still alive were in misery and want; but that the country appeared to be fertile and capable of producing staple commodities, although hitherto such attempts had been unsuccessful. This neglect they attributed to the company, and advised a return to the system of 1606, so that by means of a royal council, the government could control the colony's development.[4] It was thereupon determined by James I and the Privy Council that the charter should be altered, due regard being paid, however, to vested property rights. As the Virginia Company firmly objected to this, the Crown instituted proceedings against its patent, with the intention of issuing in its place a new charter modelled

[1] Virginia Co. II, pp. 346, 373, 374; London Co. II, pp. 146, 169, 170.

[2] Taking into account the number of emigrants and omitting all natural increase, it has been estimated that the population of Virginia should have been 5600 in 1624, when it numbered only 1100. William and Mary College Quarterly VII, p. 113. *Cf. ibid.* XII, p. 53. For some details, see the references *ante*, p. 250, n. 2.

[3] Both the Bermuda Company and that of Virginia were investigated. Rymer XVII, pp. 490–493; Cal. Col. 1675–1676, p. 65. On this commission see also Manchester MSS. p. 40, nos. 328–330; Cal. Dom. 1619–1623, pp. 567, 568, 578; Virginia Co. II, pp. 431, 432; London Co. II, pp. 214, 215; Va. Mag. I, pp. 294 *et seq.*; Lefroy I, pp. 289–292. In addition, commissioners were appointed to inquire in the colony itself into conditions existing there. Cal. Col. 1574–1660, pp. 51, 58, 59, 68; Va. Mag. I, pp. 296 *et seq.* This was the first of a number of royal commissions sent to America.

[4] Cal. Col. 1675–1676, p. 65; Manchester MSS. p. 46, no. 382.

on that of 1606.[1] In 1624, the Chief Justice, Sir James Ley, rendered a decision, by which the company's charter was declared forfeited.[2]

Prior to this decision, the relations of the settlers in the colony with the English government had been mediate; as a result of the elimination of the interposed company they became direct. The Crown succeeded to the rights and duties of the company, and thus had to make provision for the government of the colony. The system of local government established under the old régime was maintained. After some delay, the lower popular branch of the provincial legislature was continued, but upon the Crown devolved the company's right to appoint the council and governor,[3] as well as such minor officials that might be necessary. The control which the company had formerly exercised over these officials fell to the Crown, and was exerted by the Privy Council, in whose hands, since the latter years of Elizabeth, the general work of administration had concentrated. This body had taken charge of the proceedings against the Virginia Company and superintended the change in the colony's government.[4] The Vir-

[1] Cal. Col. 1574–1660, pp. 51–53; Cal. Dom. 1623–1625, p. 97; Virginia Co. II, pp. 469, 470, 471, 473, 474, 494; London Co. II, pp. 228, 229, 231, 233, 234, 236, 243; Rymer XVII, pp. 609–613.

[2] Osgood, American Colonies III, pp. 51, 52.

[3] Commission of Aug. 26, 1624, to Wyatt and Council. Rymer XVII, pp. 618–621.

[4] On June 30, 1623, Secretary Conway wrote to Secretary Calvert that the King wished the Council to sit daily until the Virginia business was concluded. Cal. Dom. 1619–1623, p. 624. For the activity of the Council in this matter see *ibid.* 1623–1625, pp. 2, 4, 7, 35, 86, 88, 99; *ibid.* 1580–1625, p. 653.

ginia Commissioners of 1623 were specifically instructed to report to the Privy Council.[1] As the membership of the Council was large and its duties multifarious, it had become customary to constitute committees to attend to special matters.[2] In 1623,[3] a committee of this nature was appointed to frame such orders as they should conceive to be most fit for regulating the government of Virginia.[4] This committee worked side by side with the commissioners of 1623, just as in the eighteenth century did the Committee of the Privy Council for Plantation Affairs and the Board of Trade, of which administrative bodies they were the more or less direct prototypes.

The Virginia Commission of 1623 was only a temporary body, appointed for a specific purpose. On the success of the suit against the proprietary company, the Crown issued letters patent to a large body of men, among whom were a number of the important officers of state, as well as Sir Ferdinando Gorges, Sir Thomas Smythe, and others prominent in the colonial movement, appointing them commissioners, for the purpose of considering the state and government of Virginia, and with authority to issue such orders in regard thereto as they should think fit. These commissioners were granted specifically the same political powers

[1] "To the end such further order may be given therein as shall be fitt." Rymer XVII, pp. 490–493.

[2] Cal. Dom. 1619–1623, pp. 90, 96, 209, 398, 413, 443, 454, 470, 505, 572.

[3] Cal. Col. 1574–1660, p. 50.

[4] The members were Lords Grandison, Carew, and Chichester, who were also on the Council of War of 1624. Rymer XVII, p. 615; Gardiner, *op. cit.* V, p. 223.

as had been ceded to the Virginia Company by the charters of 1609 and 1612. In case of doubt, however, they were instructed to ask the Privy Council for direction and assistance.[1] These commissioners devoted themselves both to devising a form of government for the colony, and also to supervising its economic development.[2] It was on their advice that Governor Wyatt and the members of the Virginia Council were appointed,[3] and that the importation of foreign tobacco into England was prohibited.[4]

One of the purposes for which they were appointed was to draw up a new charter, resuscitating the defunct company in the form of a trading corporation.[5] But before anything was effected, James I died. His successor was on the whole favorably disposed to those who had been in control of the Virginia Company, and shortly after his accession, Charles asked them to deliver to the Privy Council their opinion as to the best form of government for the colony.[6] Their report proposed that the company should be reincorporated by a patent confirmed by Parliament, and that the colony should be governed in either of two ways, depending upon who was to bear the cost of administering Virginia. If the King was to take upon himself this

[1] Rymer XVII, pp. 609–613. *Cf.* also Brown, First Republic, pp. 633, 637; Cal. Col. 1675–1676, p. 64. On July 3, 1624, Nethersole wrote to Carleton that the government of Virginia was to be in the hands of the commissioners and of the Council. Cal. Dom. 1623–1625, pp. 291, 292.

[2] Cal. Col. 1574–1660, p. 64; Va. Mag. I, p. 298; VII. pp. 44, 45.

[3] Rymer XVII, pp. 618–621.

[4] *Ibid.* XVII, pp. 621–624, 633–635.

[5] Cal. Dom. 1623–1625, pp. 291, 292; Rymer XVII, pp. 609–613.

[6] Va. Mag. I, p. 156.

expense, it was suggested that the proper method was by means of a select council appointed by him, but the "absolute commission" of 1624 was condemned. On the other hand, if this charge was to be borne by the planters and adventurers, then the government should be intrusted to a company, assisted by a council appointed by the Crown, while in important cases the advice of the King and Privy Council should be sought.[1]

Charles's decision was embodied in his proclamation of May 13, 1625,[2] declaring Virginia, the Bermudas, and New England "to be a parte of Our Royal Empire discended uppon Us and undoubtedlie belonginge and apperteyninge unto Us." As regards Virginia, it was stated that the Crown would "maynteyne those publique Officers and Mynisters, and that Strength of Men, Munition and Fortification as shalbe fitt and necessarie for the Defence of that Plantation." Its government should depend immediately upon the King, and should "not be comyted to anie Companie or Corporation, to whom it maie be proper to trust Matters of Trade and Commerce, but cannot bee fitt or safe to communicate the ordering of State Affairs be they of never soe Meane Consequence." For this purpose, it was declared to be the intention to erect at some future time a council resident in England subordinate to the Privy Council, while for the present the commissioners of 1624 were left in charge.[3]

[1] Va. Mag. I, pp. 304–306.

[2] Rymer XVIII, pp. 72, 73. *Cf.* Cal. Col. 1574–1660, pp. 73, 74.

[3] The proclamation of March 28, 1625, had continued until further notice all officials appointed by James I. Rymer XVIII, p. 4.

During the following years, these Virginia commissioners were not very active. They attended to some business,[1] but in the main the work of administering the colony devolved upon the Privy Council.[2] The correspondence from the colonial authorities was chiefly directed to this body,[3] or as the practice developed about 1630, to one of the secretaries of state, who were still closely identified with the Privy Council.[4] Occasionally colonial petitions were addressed directly to the Crown.[5] The royal instructions to the colonial governors and councils were issued by the King, by the Privy Council, or by the Secretary of State.[6]

The plan of superintending the development of Virginia

[1] Cal. Col. 1574–1660, pp. 77, 98, 121.

[2] The gradual transfer is illustrated in the commissions to the governors. The letters patent of March 4, 1626, appointing Sir George Yeardley as Governor of Virginia, and also the Council of the colony, ordered them to obey the instructions already issued, or such "as you shall hereafter receive from us or our Commissioners heere to that purpose appoynted or to be appoynted." Patent Roll, 1 Car. I, Part 5, m. 14; also in Va. Mag. XIII, pp. 298 *et seq.* Likewise in the instructions issued to Yeardley at this time, he was ordered to ascertain certain facts and to communicate them either to the Privy Council or to the Virginia Commissioners. Col. Entry Book LXXIX, pp. 257–264. In the commission issued to Governor Harvey and the Council on March 26, 1628, there is no mention of this body, but they were ordered to obey the instructions received "from Us or the lords & others of our Privye Councell." Patent Roll, 3 Car. I, Part 3, m. 21; Rymer XVIII, pp. 980–983. In a petition of 1626, this body was referred to as "the late Comm'rs for Virginia." Va. Mag. XVI, p. 31.

[3] Cal. Col. 1574–1660, pp. 79, 80, 86, 88, 117 *et passim.*

[4] *Ibid.* pp. 113, 116, 129.

[5] *Ibid.* pp. 74, 75, 89. In 1630, the Governor and Council of Virginia corresponded about the tobacco contract with Attorney General Heath, to whose care this matter had been intrusted. *Ibid.* pp. 86, 88.

[6] *Ibid.* pp. 86, 94, 95, 121, 125, 133.

by a special administrative body was, however, not abandoned. On June 7, 1631, Charles I appointed a commission, among whom were a number of the officers of state, such as Secretary Sir John Coke and Attorney General Heath, and also many of those identified with the commercial and colonial expansion, such as Sir Thomas Roe, Sir John Wolstenholme, and Nicholas Ferrar, to consider the condition of Virginia, especially in respect to the commodities produced by it, and to report from time to time to the King.[1] These commissioners reported in favor of reincorporating the Virginia Company, but as a trading body only, the government of the colony being wholly reserved to the Crown, which for this purpose should appoint a council resident in England, and also a governor and a council located in Virginia.[2] Some steps toward issuing such a patent were taken,[3] but ultimately nothing was done. This body also attended to other matters connected with the colony, such as investigating a case of alleged miscarriage of justice therein[4]; but its activity was not extensive and in 1634, it was superseded by the famous commission,[5] at whose head was William Laud, Archbishop of Canterbury.

[1] Rymer XIX, pp. 301, 302. *Cf.* Cal. Col. 1675–1676, p. 72; *ibid.* 1574–1660, p. 130.

[2] *Ibid.* 1574–1660, p. 136; Va. Mag. VIII, pp. 36–39.

[3] Cal. Col. 1574–1660, p. 141.

[4] *Ibid.* pp. 133, 134; Va. Mag. VIII, pp. 34, 35. Governor Harvey wrote to these commissioners about the affairs of the colony. Va. Mag. VIII, p. 149. De la Warr MSS. H.M.C. IV, 1, pp. 290, 291.

[5] Cunningham, Eng. Industry and Commerce, Modern Times II, appendix C, p. 909; Hazard I, pp 344–374; Rymer XX, pp. 8–10. *Cf.* Gardiner, *op. cit.* VIII, p. 167.

In contradistinction to the commissions of 1624 and 1631, membership in this body was confined to the highest officers of the state and to the chief dignitaries of the church. In addition, its authority was not limited to Virginia, then the only crown colony, but embraced the entire Empire. Subject to the assent and approval of the Crown, these commissioners were empowered to govern the colonies, to erect courts, and to appoint and remove governors, judges, and other magistrates. They were especially instructed to examine the colonial charters in order to see if any privileges "hurtfull to us or our Crowne or to forraigne Princes have bin preiudicially suffered or graunted."

Although the powers granted to this body were very extensive, its chief acts required the approval of the Crown, and consequently the commissioners were directly subordinate to the Privy Council, through which such approval would be granted. Actually, this body was only a standing committee of the Council, appointed by a special commission.[1] At various times, temporary committees of the Privy Council had been appointed for specific purposes. Some of these committees were directly connected with the colonies; such was the Virginia committee of 1623,[2] and that created in 1632 to investigate the charges of Mason and Gorges against Massachusetts.[3] In addition, standing committees of the

[1] The Order in Council of April 6, 1638, prohibited the departure of ships for New England without license from the King, or "from such of the Lords of His Majesty's most Honourable Privy-Council, as are appointed for the Business of Foreign Plantations by Special Commission." Rushworth (ed. 1608) II, p. 718.

[2] See *ante*, p. 308.

[3] Hutchinson Papers I, pp. 58, 59; Cal. Col. 1574–1660, p. 158.

Council were formed to take permanent charge of a definite branch of public business, such as international relations.[1] In 1634, there was also appointed a standing committee of the Privy Council for foreign plantations.[2] This committee was continued in subsequent years,[3] and its membership was identical with that of the Laud Commission.[4] Though from a purely legal and formal standpoint probably distinct,[5] actually these two bodies were indistinguishable one from the other, and the commissioners of 1634 were in reality only the Privy Council's standing committee having charge of colonial affairs.[6]

The men constituting this body were the highest officials in church and state. Not only were they busy administering the domestic and foreign affairs of England, but in addition they had no detailed expert knowledge of colonial matters. Consequently, as was customary in other in-

[1] This was the Committee for Foreign Affairs. Cal. Dom. 1635, pp. 289, 402. *Cf.* E. I. Carlyle, Committees of Council under the Earlier Stuarts, Eng. Hist. Rev. XXI, pp. 673 *et seq.*

[2] Council Register X, p. 1. This committee was to sit Wednesday mornings.

[3] *Ibid.* XIII, p. 1; XV, p. 1; XVII, Part 1, p. 1.

[4] The list of the members of this committee in 1634, as given in the Council register, corresponds exactly with those in the Laud commission, with the exception of the Earl of Sterling, after whose name is written "since added."

[5] This distinction may possibly be seen in the commission of 1641 to Governor Berkeley, wherein he was enjoined to obey the instructions of the King, of the Privy Council, and of "the Lords Commissioners and Committees here for our Plantations." Rymer XX, p. 484; Cal. Col. 1675–1676, p. 84.

[6] On Jan. 15, 1636, the Privy Council dismissed a petition, because the Lords Commissioners for Plantations had already issued an order covering he subject. A week later this order was stated to have been issued by the Committee for Plantations. Council Register XI, pp. 299, 358, 378, 379.

stances,[1] a number of men of lower rank, but of greater experience, were appointed subsequently, probably first in 1638, and apparently only for special temporary purposes, as a subordinate advisory body. Corresponding to the formal dual existence, or merely dual designation, of their superior board, they were called either the subcommissioners, or the subcommittee for foreign plantations.[2] Both the committee and the subcommissioners were subordinate to the Privy Council, which referred matters directly to either body for reports thereon.[3]

[1] Thus on Dec. 19, 1622, a commission was issued to men of high rank such as Middlesex and Lennox, to receive compositions in place of provisions and carriage supplied in former times to the King on his journeys. The following day, however, a commission for identically the same purpose was issued to Sir Ralph Freeman, Sir Henry Spiller, and others of a similar station in life. Rymer XVII, pp. 421, 424.

[2] The report of this subcommittee, dated July 15, 1638, was signed by Lord Goring, Sir William Becher, Joseph Jacob, Sir Abraham Dawes, Edward Nicholas, and George Sandys. Va. Mag. X, p. 428. Their report of July 27, 1638, was signed by all of the above, except Dawes and Nicholas, but T. Meautys and Sir Dudley Carleton were additional signers. *Ibid.* XI, p. 46. Nicholas was Clerk of the Privy Council, and so was Meautys. This body was not appointed by the Crown, but by the Commissioners for Foreign Plantations or by the Privy Council. Council Register XV, p. 343; XVII, Part II, p. 680. On this entire subject, see C. M. Andrews, British Committees, Commissions, and Councils of Trade and Plantations, 1622–1675, pp. 18–20.

For such references to the subcommittee, see Cal. Col. 1574–1660, pp. 281, 286, 287, 291, 292, 299; Council Register XV, pp. 300, 343, 356, 508; XVI, pp. 9, 10, 107, 179, 472, 542, 551, 559, 690. For some reports of the subcommittee to the Privy Council see: Va. Mag. X, p. 428; XI, p. 46; Cal. Col. 1574–1660, pp. 301, 302. In the Privy Council records, this body is usually called the subcommittee, but occasionally it is also called the subcommissioners. Council Register XVI, pp. 586, 603. When business came directly before the commissioners, they also, if necessary, asked the expert advice of the subcommissioners. Cal. Col. 1574–1660, p. 301; Lefroy I, pp. 557, 558; Council Register XVI, p. 603.

The Council, presided over by the King, retained the ultimate decision in all matters pertaining to the colonies.[1]

The creation of these special organs to supervise colonial affairs was due to a desire for more efficient imperial control.[2] But in so far as it concerned Virginia, the only colony with whose inhabitants the English government was normally in direct contact, this signified no change in the system of government. The administration of this crown colony proceeded through its accustomed channels. As previously, the instructions to the colonial authorities were sent by the King, by the Privy Council or by one of the secretaries of state.[3] The colonial authorities corresponded with these branches of

[1] The fixed intention to reserve the ultimate decision to the Privy Council can be clearly seen in Secretary Windebank's plan of 1635 for settling the government of Virginia. Cal. Col. 1574–1660, p. 211. In 1638 also, there was a scheme to reincorporate the Virginia Company with a royal council similar to that of 1606. The Privy Council decided that all the powers granted to this council shall "bee noe otherwise but under the correction and reformation of his Ma^ties^ sacred person & of his Privy Councell & particularly of the Lords & other Commissioners for forraigne Plantations upon Appeale or other information." Council Register XV, pp. 377–379.

[2] In connection with the appointment of the Laud Commission in 1634, Sir Ferdinando Gorges said: "His Ma^tie^ hath bin pleased to take the Managing of the Affaires of the severall plantac̃ons into his owne hands." Baxter, Gorges III, p. 260.

[3] Cal. Col. 1574–1660, pp. 185, 190, 191. The Privy Council wrote frequently to the colonial governor and council. *Cf.*, *e.g.*, Council Register X, pp. 84, 86, 105, 115; XI, p. 236; XII, p. 283. The commissions of the Governor and Council ordered them to obey such instructions as they should receive from the Crown, the Privy Council, or the Lords Commissioners. Commission to Harvey and Council in 1636. Cal. Col. 1675–1676, p. 80; Rymer XX, pp. 3–5. See also commission of 1641 to Berkeley and Council. Rymer XX, p. 484; Greene, Provincial Governor, p. 217; Cal. Col. 1675–1676, p. 84.

the English government, and also directly with the Lords Commissioners for Foreign Plantations.[1] Upon the subcommittee, however, devolved all work requiring detailed and expert knowledge. Thus this board examined Sir Francis Wyatt before he was appointed Governor of Virginia.[2] The reports of this subcommittee on the matters referred to it decided what course of action should be adopted by the government.[3]

[1] In 1635, in connection with the complaints leading to Governor Harvey's deposition, Virginia appealed directly to these commissioners. The Privy Council, however, took the entire matter into its hands. Cal. Col. 1574–1660, pp. 209, 211, 212, 216, 231; Va. Mag. I, pp. 425 *et seq.* The close relations between the commissioners and the Secretary of State is shown by the fact that a despatch from Governor Harvey to the commissioners was indorsed as received on a certain date by Secretary Windebank. Cal. Col. 1574–1660, pp. 244, 245.

[2] In this instance this body was called the subcommissioners. Cal. Col. 1675–1676, p. 83; H.M.C. XII, 2, p. 236. In 1639, Governor Harvey and Secretary Kemp requested that the complaints against them be heard by the Privy Council directly, and not by the subcommittee, "against some of whom," Harvey said, "they may justly take exception." Cal. Col. 1574–1660, p. 289, nos. 8, 9, 10; Va. Mag. XI, p. 172. In 1640, Kemp again requested that the matter be referred to "The Lords Committees," and be removed from the charge of the subcommittee to which it had been intrusted. Cal. Col. 1574–1660, pp. 314, 315. The subcommittee, to which these complaints against Kemp had been referred by the commissioners, made a report to the King and the Privy Council. This was referred back to them for further investigation with instructions to report to the commissioners. Council Register XVII, Part II, p. 665.

[3] On June 30, 1639, the Privy Council wrote to the Governor and Council of Virginia continuing the order suspending the collection of 6*d.* from every person arriving in the colony, basing its action on a report of the subcommittee, to which the matter had been referred. Council Register XVI, p. 472. For similar instances, see *ibid.* pp. 542, 551, 559, 690. When no special knowledge was required, the procedure was simpler. On July 15, 1638, a petition of

The authority of the Crown over Virginia was exercised in the colony by the Governor and Council, whose powers, however, were checked by the popular branch of the local legislature, which had been in existence since 1619. Immediately upon the dissolution of the company in 1624, the question arose, whether the colony or England should defray the local governmental charges, including both the salary of the governor and the cost of its internal defence against the Indians. At the outset, the English government proposed to assume both of these expenses. Part of the revenue of the tobacco contract of 1624 was to be devoted to these purposes, and James declared that one of the objects in view when this scheme was proposed was "to enable us to bear that charge which we have undertaken yerely to disburse for the generall Defence and Support of those Plantations." [1] Shortly after his accession, Charles I also declared that all public officials in Virginia should be maintained at the expense of the Crown.[2] This decision was of considerable importance because upon it depended to a great extent the justice of the entire system of economic and political control created by England. If the colony was financially fully self-supporting, and if in addition it pro-

Roger Wingate for the position of Treasurer of Virginia was referred by the King "to the Lords & other Commissioners for forraigne plantac̃ons." At the meeting of the Privy Council, on April 24, 1639, the Earl of Dorset, one of these commissioners, "proposing the same at the Board & the suite & desire of the said Roger Wingate being after good deliberation & mature advise approved of by the said Commissioners there present," it was ordered by the Privy Council that he be appointed for life. Council Register XVI, p. 292.

[1] Rymer XVII, p. 669.

[2] Cal. Col. 1574–1660, pp. 73, 74; Cal. Dom. 1625–1626, p. 408.

vided for its own defence, both against any local enemy and against foreign foes, then such a system was not likely to find justification in the eyes of the colonists. This was perceived at the time. Thus in 1625, the adherents of the defunct Virginia Company plainly stated, that direct royal government of the colony would be justifiable, only if the Crown would assume these charges and others of a similar nature.[1]

The English government always recognized its obligation to defend the colony against the possible attacks of any foreign foes. In addition the royal navy was used to protect the trade between England and the colonies from the depredations of the Barbary corsairs, — the "Pirats of *Argier* and *Tunis*." [2] At the present day it is difficult to realize the extent of their activity,[3] and the slow progress made in curbing their power. Even in the waters surrounding England, they imperilled the safety of trading vessels.[4] In 1636 it was reported that they had surprised all the English in New England.[5] These depredations naturally affected most seriously those engaged in the Newfoundland fishery,[6] but in addition Virginia, and the other colonies as

[1] Va. Mag. I, pp. 304–306.

[2] Misselden, Free Trade (London, 1622), p. 18. *Cf.* p. 99. There were also a number of European pirates. Baxter, Gorges III, pp. 171–173.

[3] Between 1609 and 1616, they took 466 English vessels. Trevelyan, England under the Stuarts, p. 182.

[4] Bradford, p. 202; H.M.C. III, 1, p. 73. The safety of the Channel was also endangered by the protracted conflict between the Spanish and Dutch, and the scant regard paid by them to the rights of neutrals. *Cf.* De Vries, pp. 45, 46.

[5] Cal. Dom. 1636–1637, p. 87.

[6] Cal. Dom. 1611–1618, pp. 426; *ibid.* 1619–1623, p. 385; *ibid.* 1625–1626, pp. 81, 83, 85, 86; Vaughan, The Golden Fleece (London, 1626) II, pp. 104, 105; Dean and Tuttle, John Mason, p. 222; H.M.C. IV, 1, p. 114.

well,[1] were vitally interested in their suppression. It was mainly the activity of the navy that kept open the American trade-route, and enabled the colonial products to reach the European market.

Local defence against the Indians was, however, largely left to the colony. In 1624 and in 1626, it was suggested that some English soldiers be sent to Virginia,[2] but nothing came thereof. The system of permanent colonial garrisons belongs to a later period. But at this time a beginning was made of the policy of supplying the colony with ordnance and powder,[3] which at a later date became a regular practice.

In addition to assuming the burden of imperial defence, the English exchequer paid indirectly or directly a part of the salary of the governor of Virginia. During the first years of the royal administration, the governor was compensated by being allowed to import into England a specified quantity of tobacco without paying duties thereon.[4] In 1631, however, Sir John Harvey was granted a salary of £1000, payable out of the customs on merchandise imported into England from Virginia.[5] In addition, the governor was en-

[1] Cal. Dom. 1625–1626, p. 79; H.M.C. IX, 1, pp. 269, 270; *ibid.* IV, 1, p. 305.

[2] Cal. Col. 1574–1660, pp. 63, 66; Cal. Dom. 1623–1625, pp. 291, 292. Va. Mag. XV, pp. 371, 372.

[3] H.M.C. VII, 1, p. 256[b]; Cal. Dom. 1640–1641, pp. 346, 347; Va. Mag. XV, p. 366.

[4] Cal. Col. 1675–1676, p. 68; Cal. Col. 1574–1660, p. 100; Va. Mag. XVI, p. 32.

[5] Cal. Col. 1675–1676, p. 72. *Cf.* Cal. Col. 1574–1660, pp. 116, 136, 274, 285. This salary, however, was not paid punctually. In 1638, Harvey said that it was four years in arrear. Cal. Col. 1574–1660, p. 276; Cal. Dom. 1637–1638, p. 509. *Cf.* Cal. Col. 1574–1660, pp. 151, 184; Va. Mag. VIII, pp. 149,

titled to certain fees in the colony and to the income derived from fines.[1]

While the English government was at some not inconsiderable expense in protecting and governing Virginia, it did not derive any revenue from taxes imposed upon the colony. Under the charter of 1606, the settlers were entitled to "all the liberties, franchises, and immunities" of Englishmen, but these privileges did not include exemption from payment of taxes that had not been voted by their representatives. In fact, the charter distinctly recognized the Crown's right to levy customs duties in Virginia after an initial period of exemption of twenty-one years.[2] Even so staunch a parliamentarian as Sir Edwin Sandys openly recognized the Crown's right to impose such taxes in the colony.[3] This right of taxation was not exercised; but,

157, 158. The grant of this salary was the result of Harvey's despatch to Secretary Dorchester, dated May 29, 1630, wherein he said: "For as much as I have hitherto attended his ma^ties^ service at my owne charge w^th^out anie helpe at all, that I yet knowe of, I humblie therefore desire yo'r Lo^p^ be pleased to afford me yo^r^ honorable favoure to his Ma^tie^ (if alreadie there be no course taken for me), that his Ma^tie^ will be gratiouslie pleased to grant me everie yeare the costume of one shipp of about two or three hundred tons burden." At the same time Harvey also wrote to the Privy Council. Va. Mag. VII, pp. 378, 382.

[1] Cal. Col. 1574–1660, p. 100; Va. Mag. XIII, pp. 382, 395, 396. *Cf.* Va. Mag. VII, pp. 267, 268.

[2] On the other hand, in the Avalon grant of 1623, in the Newfoundland charter of 1637, and in the Earl of Carlisle's patent for the West Indies of 1627, the Crown definitely renounced the right to impose any taxes. Col. Pap. II, 23; *ibid.* IX, 76; Col. Entry Book LXV, pp. 11–27; *ibid.* V, pp. 1–12.

[3] In 1623, he said "that within fiue or six yeares at the most the Kinge is to haue custome of all marchandize in Virginia." Virginia Co. II, p. 316; London Co. II, p. 125.

as successor to the company, the Crown expected to derive some revenue from the Virginia land system. Under the company the land had been granted, subject to the annual payment of two shillings for every hundred acres.[1] This system of quit-rents was continued under the royal government,[2] but virtually nothing could be collected.[3] In 1637, in order not to lose these "rights and royalties," Jerome Hawley was sent to Virginia as Treasurer.[4] His efforts to collect the quit-rents met with opposition, and were cut short by his death after but a short incumbency of the office.[5] In 1639, it was said by a petitioner for the deceased Treasurer's position, that the quit-rents had never been paid, and that they were "a badge of sovereignty which ought not to be omitted." [6] Thus under the first two Stuarts the quit-rents, which at a later period yielded a revenue of considerable size, were of no practical importance.

On the whole this system of government worked satisfactorily. There was little political friction between England and Virginia. The chief disturbing element in the political life of the colony was the quarrels between the governor and the council, both royal appointees. The early governors were made much more dependent upon the councils than was the practice later. Harvey and his Council

[1] Cal. Col. 1574–1660, p. 30; Va. Mag. II, p. 157.

[2] Cal. Col. 1574–1660, pp. 80, 81, 175, 243; Va. Mag. II, p. 50.

[3] In 1631, it was estimated that, if duly collected, the quit-rents would amount to nearly £2000 yearly. Va. Mag. VIII, p. 42.

[4] Cal. Col. 1574–1660, p. 243.

[5] N. Y. Col. Doc. III, p. 20; Cal. Col. 1574–1660, pp. 273, 274.

[6] Va. Mag. XIII, pp. 377, 378. *Cf.* Cal. Col. 1574–1660, p. 302.

were continually quarrelling, and in 1635 the Governor was deposed by the Council and sent to England.

The dissatisfaction leading to this revolutionary measure was complex in its nature. There was a general feeling that Harvey had not opposed the Maryland enterprise vigorously enough. In addition his refusal to allow the Dutch to trade in the colony had annoyed some, while others objected to his course in connection with the proposed tobacco contract.[1] When Harvey's case was examined by the King and the Privy Council, it was decided that it was "an assumption of regal power" to send the Governor to England, and that he should return to Virginia, though he remained there but for a day.[2] Harvey accordingly returned, and retained his position until 1639. This episode is of some significance, but its importance as manifesting a spirit of independence and discontent with English rule on the part of the colony can easily be overestimated, since the quarrel was to a great extent one between the Governor and Council, both representing the Crown's authority in the colony. At this time, the chief friction between Virginia and England was due to economic causes.

Fundamentally, the appointment of the commissioners of 1634 and of the subordinate board of experts was part of a movement for more effective control over the development of the Empire. It was due to a more or less vague realiza-

[1] Archives of Maryland, Council 1636–1667, pp. 33–37; Va. Mag. I, pp. 416–430; *ibid.* VIII, p. 299; *ibid.* IX, pp. 34, 35; Cal. Col. 1574–1660, pp. 207, 208. Secretary Kemp's account, dated May 17, 1635, can be found in the Barlow MSS. (Lenox Library).

[2] Cal. Dom. 1635, pp. 551, 552; Cal. Col. 1574–1660, p. 216.

tion of the fact that, from the imperial standpoint, the early charters contained immunities of too extensive a nature. The overthrow of the Virginia Company was part of the general movement toward curtailing these privileges. The appointment of the Laud Commission was, however, not intimately connected with Virginia, but arose immediately out of events in New England. It was a direct outcome of the large Puritan exodus to Massachusetts,[1] and of doubts as to the future relations of that colony to England.[2]

In 1628, some Englishmen secured from the New England Council a patent for a large area of land;[3] and in the following year, in association with others, they obtained from the Crown a charter, confirming this territorial grant and adding thereto full corporate and governmental rights.[4] This charter gave the Massachusetts Bay Company virtually the same organization as had the Virginia Company under its patents of 1609 and 1612. It was a self-governing corporation, subject to only slight governmental control. This control became even more loose when, in 1630, the company removed to America. By this momentous step the colony became identical with the corporation. The settlers became the members of the company, and the organization of the company became the political framework of the colony.

[1] See Henry Dade's letter. Cal. Col. 1574–1660, p. 174; Cal. Dom. 1633–1634, pp. 450, 451.

[2] The commission to Laud and his associates referred to the possibility of some colony being "in Rebellion against us by withdrawing from our allegiance or our mandates."

[3] Cal. Col. 1574–1660, pp. 88, 96.

[4] Col. Entry Book LIX, pp. 29–59.

As a result of this removal, the English government had virtually no means whatsoever of influencing the development of Massachusetts. This unexpected procedure, coupled with the fact that the emigrants to Massachusetts were chiefly those disaffected to the ideas then dominant in state and church, inevitably arrested the attention of the English government.

At the outset, it was recognized that the settlement of Massachusetts was not the result of a normal expansion of the state, but was rather in the nature of a movement of secession.[1] The aim was to found a self-governing community, bound to England by only the loosest possible ties. The Puritan idea of the relation of the colony to the metropolis approximated to the Greek view.[2] Thus a conspicuously able pamphlet, published in 1630 in support of the Massachusetts enterprise, defined a colony as "a societie of men drawne out of one state or people, and transplanted into another Country."[3] But at the same time it was strenuously denied, not only by this writer, but also by the leaders of the movement, that political independence was contem-

[1] Gorges said: "It was doubted that they would, in short time, wholly shake off the royal jurisdiction of the Sovereign Magistrate." Gorges, A Briefe Narration, p. 51. Laud had a correspondent in New England, in one of whose letters it was stated, that "it was not new discipline which was aimed at, but sovereignty, and that it was accounted perjury and treason in their general court, to speak of appeals to the King." Hutchinson, Mass. I, pp. 84, 85.

[2] In this connection it may be noted that the early settlers in Massachusetts did not accept the current doctrine that allegiance was perpetual. Hutchinson, Mass. I, p. 87.

[3] The Planters Plea (London, 1630), ch. I, p. 1, in Force II, no. 3.

plated.[1] The sincerity of these denials cannot be questioned, for complete political separation from England implied many concrete disadvantages. In that age of keen and ill-regulated international rivalry, the protection afforded by the metropolis was essential to the colony's existence. A status of absolute autonomy was impossible for so weak a society as was Massachusetts, and separation from England would merely have been equivalent to subjection to some of the other European powers. Both of these ideas are present in the remarkably skilful argument addressed by Emanuel Downing in 1633 to Secretary Coke, in which he denied that Massachusetts was seeking independence.[2] Therein, this champion of Massachusetts requested that a new patent be issued, in which the King "will be pleased to covenant to ayde and assist them, if need require agt all forreigne enemies." He wanted this obligation of the Crown clearly enunciated, and then proceeded to point out that it was 'a supposition and a causeless fear without precedent that a colony planted in a strange land was ever so foolishly besotted as to reject the protection of their natural prince.' He instanced the case of early England which had adhered to the Roman Empire until its disruption, 'and then the colony was constreyned to seeke for protection elswhere.' 'Again yts most certeyne,' Downing con-

[1] In this pamphlet it was stated, that "a Colonie denying due respect to the State from whose bowels it issued, is as great a monster as an unnaturall childe," and it was denied, that "under the colour of planting a Colony they intended to rayse and erect a seminary of faction and separation." *Ibid.* ch. IV, pp. 14, 44.

[2] Downing to Coke, Dec. 10, 1633. Coke MSS.

tinued, 'that yts not an easy thing to force or compell a Colony planted in a strange land to forsake theire Alleadgeance and protection of theire naturall prince, or to leave theire Commerce with theire friends and Allyes in their native Country, whom they may safely trust and so rest upon strangers for protection and commerce, in whom they can putt noe confidence.' [1]

In addition, a considerable number of the early colonists owned land in England or expected to inherit such property. Under the existing law, aliens could not obtain a secure title to English landed estates,[2] and hence independence meant to many the sacrifice of valuable property rights. This was clearly recognized at the time, and acted as a deterrent to the erection of autonomous communities, and to any movement toward complete political separation after the colonies had been firmly established.[3]

[1] In an able document written in 1638, Gorges discussed the policy to be adopted toward Massachusetts. If independence be conceded, he said, they will endeavor to subsist by themselves, "or adhere to such other states" as shall entertain them. Baxter, Gorges III, pp. 287–291.

[2] According to Coke, an alien could not take title to land by act of law, as by descent, even for the benefit of the King. Hargrave, Butler, and Day, Notes on Lord Coke's First Institute (Philadelphia, 1812), 2. b. note 1. The law was as follows: "An alien may take real estate by act of the parties, as by deed or grant, or devise, or by other act of purchase, but he cannot hold against the state. Under this rule an alien therefore takes a defeasible estate, good against all excepting the state, and good against it, until it institutes proceedings and obtains a judgment by inquest of office, or some legislative act equivalent thereto. But an alien cannot take by operation of law, as by descent." The American and English Encyclopædia of Law (ed. Garland, McGehee, and Cockcroft, 2 ed., 1896) II, pp. 70, 71.

[3] In Downing's letter to Coke, quoted above, one of the arguments used against the probability of Massachusetts seeking independence was that:

But the nature of the emigration to Massachusetts, and the virtually complete powers of self-government acquired through the transfer of the charter to America tended in the direction of ultimate independence,[1] thus jeopardizing English vested interests in this region. The particularistic views of the Puritan colony and the policy of the home government, aiming at efficient imperial control, inevitably came into conflict. In 1632, a number of men interested in the colonization of New England complained to the Privy Council that Massachusetts intended to rebel, to cast off her allegiance, and to be wholly separate from the church and laws of England.[2] After a presumably careful investigation by a committee of the Council, the charges were dismissed as unsubstantiated.[3] This decision could not, however, dispose of a question arising from so fundamental a divergence of viewpoints. The appointment of the Laud Commission in 1634 was directly due to the large emigration to Massachusetts, and the chief specific purpose for which this body was created was to control this movement and to curtail what were deemed to be the excessive privileges of the colony. With this object in view, no one was

'Those that governe the whole plantation have both lands and children here. Divers others are in reversion & soe in hope of lands here for themselves or theire children, which are good bonds for theire Alleadgeance; those though not the most in number yet in some Authority and such as doe sway and rule the multitude.' Coke MSS.

[1] "Massachusetts, by its very organization, to say nothing of the spirit by which it was animated, had practically declared independence at the very outset." H. L. Osgood, The American Colonies III, p. 54.

[2] Winthrop I, pp. 122, 123; Hutchinson Papers I, pp. 57, 58.

[3] Hutchinson Papers I, pp. 58, 59.

allowed to emigrate to the colonies without license from these commissioners.[1] In 1635, legal proceedings were also instituted against the patentees of the Massachusetts charter.[2] In order to enable the Crown to resume its authority in this region, the New England Council at the same time resigned its patent.[3] Finally after two years, in 1637, the *quo warranto* suit was decided in favor of the Crown, and Charles declared that he had taken the whole management of New England into his hands. At the same time, in accordance with a plan that had been held in abeyance, he appointed Sir Ferdinando Gorges as Governor.[4] For technical reasons this legal victory was ineffective,[5] and before other measures could be adopted,[6] the political situation in England became acute. The matter was consequently not pushed, as the

[1] Cal. Col. 1574–1660, p. 261. [2] Hutchinson Papers I, pp. 114–118.

[3] Cal. Col. 1574–1660, pp. 193, 200, 204, 205. [4] *Ibid.* pp. 256, 257.

[5] Those of the patentees who were in England appeared at the proceedings, and against them judgment was entered. The majority of the patentees, however, were in New England, and on them no papers were served. They did not appear and were outlawed. Thus, although judgment was given, the process could not be completed, and the charter of the company was not forfeited. Hutchinson, Mass. I, pp. 85, 86; Winthrop Papers I, p. 450; Hutchinson Papers I, pp. 116–118. In 1638, the Massachusetts authorities refused to comply with the instructions of the Privy Council to send their charter to England, on the ground that no papers had been served upon them. Hutchinson, Mass. I, pp. 442–444; Hutchinson Papers I, pp. 118, 119.

[6] In 1638, Gorges advised that a commission be issued to the proprietor of some province "not yet pestered with such people as are like to refuse any authoritie sent from hence to comand them," to some Englishmen, and to some others of the most temperate and discreet sort resident in New England, with power to settle the country under the King's obedience. Baxter, Gorges III, pp. 287–291.

relations of Massachusetts to England were of insignificant importance in comparison with the momentous issues brought to a head by the meeting of the Long Parliament.

If this decision of the Court could have been carried into effect, Massachusetts would have been reduced to the same status as had been Virginia in 1624. But apart from the technical imperfection in the legal proceedings, such an attempt would have met with violent opposition in the colony. There was great excitement in Massachusetts when news was received of the appointment of Laud's Commission and of the plan to send a royal governor to New England. In 1634, the provincial legislature adopted measures for fortifying the colony, and created a committee to manage any war that might occur.[1] It was decided not to receive the royal governor, but to "defend our lawful possessions (if we were able;) otherwise to avoid or protract." [2] Thus, as far as Massachusetts was concerned, the movement toward greater imperial cohesion was wholly abortive. Instead of binding the colony more closely to the mother country, it resulted in preparations for resisting the authority of England.[3] This inchoate rebellion in the first decade of

[1] Records of Mass. I, pp. 123–125. Similar and other measures were taken in 1635. *Ibid.* I, pp. 135–137.

[2] Winthrop I, p. 183.

[3] At this time, John Winthrop received an anonymous letter from England cautioning him against letting such news be sent to the mother country as would lead to interference. The writer said that one of the colonists had written home "that he knowes no newse to acquainte his friend with all, but that you are like to have warrs the next yeare with old England." As a re-

Massachusetts' history was the initial step on that long road leading to the ultimate independence of the American colonies.

This movement toward effective control was not only manifested in the cases of Virginia and of Massachusetts, but also in the general colonial policy of the government. In the fourth decade there was a closer scrutiny of the proposed colonial charters than had hitherto been customary, and a tendency to limit the political privileges conferred by the Crown. When the question of regranting Captain North's patent for the colonization of South America came up, it was decided to renew it on condition that he and the company submit to ecclesiastical and civil government, for which previously no provision had been made.[1] Then the Maine charter issued in 1639, while following the general lines of the older proprietary grants, contained an additional clause securing direct imperial control over the political development of the colony.[2] Pressure was also brought to bear upon the Bermuda Company to curb the growing Puritanism in the settlement under its jurisdiction.[3]

sult, this adviser continued, "the whole kingdome begins, or rather proceeds to be full of preiudice against you, & you are spoken of disgracefully & with bitterness, in the greatest meetings in the kingdome." Winthrop Papers I, pp. 442–451.

[1] Cal. Col. 1574–1660, p. 200.

[2] "Wee Doe nevertheless hereby signifie and declare our will and pleasure to bee, the powers and authorities hereby given to the said Sir Ferdinando Gorges his heires and assignes for and concerning the Government both Ecclesiasticall and Civill within the said Province and Premisses shallbee subordynate and subject to the power and reglement of the Lords and other Commissioners here for forraigne Plantacons for the tyme being." Poore, p. 777; Baxter, Gorges II, p. 132. *Cf.* Cal. Col. 1574–1660, pp. 262, 270.

[3] Lefroy I, pp. 538, 539, 560, 561; Cal. Col. 1574–1660, p. 303.

The most significant development occurred in those islands of the West Indies, which had been granted to Lord Carlisle, together with the customary extensive powers of government. As proprietor, he appointed the governors, who were directly dependent upon him. Between these proprietary governors and the settlers, who were endowed with their full share of the typically Anglo-Saxon desire for self-government, there rapidly developed considerable friction. In order to strengthen the authority of these proprietary officials, the Crown began to issue letters confirming their appointment.[1] They were, however, not royal officials, and legally had no direct connection with the English government. In 1636 affairs in these colonies reached a climax. In that year, Sir Thomas Warner, who had been appointed Governor of St. Christopher by the first proprietor, stated that the royal letters, which he had obtained after the death of the Earl of Carlisle, had been obeyed by all the officials of the other islands, except by Governor Hawley of Barbados. Warner wrote directly to the Secretary of State and to the King, but he recognized the irregularity of the proceeding, when saying that he "may not press nearer His Majesty's royal ear" without the proprietor's permission.[2] In 1637, in consequence of inability to enforce their authority, the representatives of the pro-

[1] A minor instance illustrating the same tendency is worth citing. The Earl of Carlisle appointed one Hugh Lamy as "Receptorem suum generalem" within his grant, and Heath also appointed Lamy to the same office for Carolana. In 1630, Charles I confirmed these appointments. Rymer XIX, pp. 127, 128.

[2] Cal. Col. 1574–1660, p. 240.

prietary interest petitioned the Crown to appoint a royal commission to settle the disturbed condition of the West Indies.[1] In answer to this request, the King appointed such a commission, in part composed of men of considerable experience in colonial affairs,[2] to investigate the troubles in the West Indies.[3] In place of Hawley, Henry Hunckes was appointed by the representatives of the proprietor as Governor of Barbados, and his appointment was confirmed by the Crown in 1639.[4] As Hawley refused to yield his office, in the same year the King appointed five commissioners to go to Barbados to secure his submission.[5] They were successful, and the recalcitrant Governor was sent to England as a prisoner.[6] Thus as a result of the independent spirit of the West Indian colonies, and of their opposition to the control exercised by the proprietors, there was already in this period a beginning of the policy of securing royal confirmation for the proprietary appointments to the position of governor.[7] It was, however, only after 1696 that this became a regular practice.

The organs of the English government administering

[1] Cal. Col. 1574–1660, p. 254.

[2] Sir Robert Heath, Sir Henry Spiller, Sir John Wolstenholme, Sir Abraham Dawes, and Sir John Jacob.

[3] Cal. Col. 1574–1660, p. 254. 1637.

[4] "Which appointment, upon mature Deliberation, We by our Letters under our Sign Manual and Privy Signet dated the sixteenth day of March last, approved and confirmed." Rymer XX, pp. 357–359.

[5] *Ibid.*

[6] Cal. Col. 1574–1660, p. 313. *Cf.* Schomburgk, Barbados, pp. 265–266.

[7] On Jan. 15, 1640, the Privy Council ordered the inhabitants of Barbados to receive Hunckes "or any other Governor appointed by Lord Carlisle, and ratified by the King." Cal. Col. 1574–1660, p. 306.

colonial affairs were, in a series of diminishing authority, the Crown, the Privy Council, the Secretary of State, the Commissioners for Foreign Plantations, and the subordinate board of experts. In addition, owing to the policy of confining the colonial export trade to England and to the fact that the colonies were outside the English fiscal barriers, indirectly the Lord Treasurer and the officials subordinate to him were to some extent concerned with colonial matters.[1] Similarly, the Admiralty was engaged in enforcing the restrictions on the colonial export trade, in so far as ships of the royal navy were employed to oblige vessels coming from the colonies to proceed to some English port. Furthermore, the colonies, directly and indirectly, came into contact with the English courts. Indirectly, because their charters were subject to judicial interpretation and even to abrogation, as has been illustrated in the cases of Virginia and of Massachusetts. As English subjects, the inhabitants of the colonies were also directly subject to the authority of the regular English courts, and to the judicial functions exercised indirectly by the Crown. In some instances,[2] cases involving transactions within the colony were decided in the English courts. Such suits were, however, rare. Not only was the jurisdiction of the English courts disputed,[3]

[1] In this connection also, it may be noted that, in 1632, the office of receiver general of the augmented revenue in America was created. This arose from some fanciful scheme of deriving a large revenue from "the Plantacons of Virginia & other parts of the West Indies." Colonial Correspondence VII, no. 1; Cal. Col. 1574–1660, pp. 140, 141, 144, 145.

[2] *Cf.* Va. Mag. VII, pp. 132 *et seq.*

[3] Cal. Dom. 1638–1639, p. 88.

but in addition such proceedings tended to be grievously vexatious, because, in order to get at the truth, it was necessary to summon witnesses from the colony.[1]

In addition, the Privy Council[2] and the commissioners[3] subordinate to it took cognizance of complaints against decisions of the colonial courts. This appellate jurisdiction was, however, not fully developed, and Massachusetts even denied its legality.[4]

At a later period, toward the end of the century, the English government claimed that the admiralty jurisdiction had not been granted to the proprietary colonies, and it was by means of imperial vice-admiralty courts erected in the colonies that the laws of trade and navigation were then enforced. The early charters, however, as a rule, gave the patentees this jurisdiction. The Virginia charter of 1609 gave the company full authority in Virginia, "or in the way by Sea thither and from thence . . . as well in Cases capital and criminal, as civil, both marine and other."[5]

[1] Thus, in 1631–1632, there was a suit in the High Court of Chancery between a London merchant and a Bermudian concerning some land in the colony. The London merchant obliged the colonist to come to England, and also caused subpœnas to be served on other residents of the Bermudas, summoning them as witnesses. This, the Bermuda Company pointed out, involved ruinous expense to all concerned. Lefroy I, pp. 529, 530.

[2] Council Register XVI, p. 586; XVII, Part I, p. 191.

[3] A petition from the Earl of Carlisle to the King, dated Nov. 5, 1638, recited that hitherto the West Indies had been quietly governed, and that "no causes there arising have been questioned in any of the courts of Westminster, but your Commissioners for Foreign Plantations have heard all complaints." Cal. Dom. 1638–1639, p. 88. *Cf.* p. 117.

[4] Winthrop I, p. 322; Hutchinson, Mass. I, pp. 84, 85.

[5] Poore, p. 1901. *Cf.* p. 1899.

A similar clause was usually inserted in the other charters.[1] Accordingly the patentees were accustomed to vest this delegated authority in the executive officials representing them in the colonies.[2]

The extension of the English admiralty jurisdiction to America first arose from the necessity of regulating the actions of the English fishermen resorting to Newfoundland,[3] and of protecting them from the depredations of pirates and

[1] *E.g.* Maryland Charter of 1632. Mereness, Maryland, appendix, p. 511. On the strength of this clause, Maryland in the first decade of its history by act of its legislature created a court of admiralty. Archives of Maryland, General Assembly 1638–1664, pp. 34, 38, 46, 47. *Cf.* also the Carolana patent 1629. Col. Rec. No. Ca. I, p. 7. Alexander's Scottish letters patent of 1625 for Nova Scotia made him "High Admiral and Lord of Regality and Admiralty." Slafter, Alexander, p. 224. The grant of this jurisdiction was confirmed in 1627. Cal. Col. 1574–1660, p. 84.

[2] As Governor of Virginia, De la Warr received powers, both by land and sea, over all persons, admirals, vice-admirals, and other officers. Brown, Genesis I, p. 378. *Cf.* p. 376. In 1585, Philip Amadas was admiral of Raleigh's abortive settlement. Hakluyt VIII, pp. 310 *et seq.* Newport, Gates, Argall, and Pountis were admirals or vice-admirals of Virginia under the company. Cal. Dom. 1611–1618, p. 101; Force I, no. 7, p. 9; Va. Mag. IV, pp. 28, 29; London Co. I, pp. 54, 141, 151. *Cf.* also H.M.C. VIII, 2, pp. 44, 45; Force III, no. 6. John Smith, Samuel Argall, and Francis West were admirals of New England. Force II, nos. 1 and 2; Cal. Col. 1574–1660, p. 35; Records of N. E. Council, p. 69. In 1638, in connection with the private war waged with the Spaniards, the Providence Island Company appointed a vice-admiral. Cal. Col. 1574–1660, p. 35.

[3] Richard Whitbourne wrote: "In the yeere 1615. I returned again to New-foundland, carrying with mee a Commission out of the high Court of Admiraltie, under the great Seale thereof, authorising me to empannell Juries, and to make inquirie upon Oath, of sundry abuses and disorders committed amongst Fishermen yeerly upon that Coast, and of the fittest means to redresse the same, with some other points, having a more particular relation to the Office of the Lord Admirall." Purchas XIX, p. 427.

the attacks of hostile nations.[1] Moreover, in 1635, in connection with the disputes with Massachusetts, a further step was taken. In that year John Mason was appointed Vice-Admiral of New England, with authority in the region bounded by the parallels of 40° and 48° of northern latitude and also in the South Seas, "where lie California and Nova Albion."[2] As Mason's death occurred virtually simultaneously with his appointment, this step was of no actual importance. Nor does it seem to have formed part of a policy to reserve the admiralty jurisdiction in the colonies to the Crown, for the Maine charter of 1639 distinctly gave Sir Ferdinando Gorges this authority within his grant.[3]

In addition to these administrative and judicial organs which were connected with colonial affairs, there were erected at various times special bodies for the purpose of fostering the development of English industry and commerce. At a later period, when the connection between colonization and commerce was even more emphasized, the Board of Trade was created to supervise both of these activities. The early bodies were, however, only very indirectly concerned with the colonies, but they are of importance in this connection as the predecessors of the Board of Trade in one phase of its dual character. In 1622,

[1] Cal. Col. 1574–1660, pp. 25, 26; Vaughan, The Golden Fleece III, p. 25; Prowse, p. 108 n.; Tuttle and Dean, John Mason, p. 13.

[2] Cal. Col. 1574–1660, pp. 210, 212, 214; Cal. Dom. 1635, pp. 409, 410; Dean and Tuttle, John Mason, p. 347.

[3] We grant "all Admirall Rights Benefitts and Jurisdicions" on the seas, rivers and coasts of Maine. Baxter, Gorges II, pp. 139, 140; Poore, p. 780. *Cf.* p. 776.

James issued a commission to a large body of men, including some of great prominence, constituting them a Council of Trade for the purpose of investigating industry, commerce, and shipping, and of suggesting measures for their improvement.[1]

At the outset this council was quite active; it consulted with economic experts and merchants,[2] and investigated various matters concerning English industry.[3] In 1625, however, James was forced to stimulate its flagging zeal, and instructed the commissioners to hold meetings once a week.[4]

Shortly after his accession on May 19, 1625,[5] Charles I likewise created a Council of Trade, and among its many members were some who in other capacities had been

[1] Rymer XVII, pp. 410–415; Cal. Dom. 1619–1623, p. 477. The reports were to be made to the Privy Council. A committee of twelve had first been appointed to investigate the woollen industry, and subsequently the Privy Council advised the appointment of this "standing commission." Misselden said that James, "out of his Princely prudence and prouidence and vnwearied watchfulnesse ouer the welfare of his subiects, hath been graciously pleased, first, to grant *a special Committee*, as a preparatiue or enquirie; and now a Special *Commission* as a wholesome medicine or remedie, for the dangerous disease of the decay of Trade." Misselden, The Circle of Commerce (London, 1623), p. 3. In 1622 also, a special commission was appointed to examine a specific project of a commercial nature. Rymer XVII, p. 427.

[2] Misselden, The Circle of Commerce (London, 1623), p. 4; Malynes, Centre of the Circle of Commerce (London, 1623), pp. 137, 138.

[3] Cal. Dom. 1619–1623, pp. 505, 545; *ibid.* 1623–1625, pp. 15, 93, 97, 124, 140, 216, 314, 466, 474, 484, 485, 490, 560. There were some negotiations with the Merchant Adventurers about admitting other merchants into their trade. H.M.C. IV, 1, p. 312.

[4] Cunningham, *op. cit.* appendix C, p. 901; Cal. Dom. 1623–1625, p. 463.

[5] Rymer XVIII, pp. 81–87; Cal. Dom. 1625–1649, p. 4. *Cf.* Cal. Dom. 1625–1626, p. 522, and Cunningham, *op. cit.* pp. 175, 176.

in frequent contact with the colonies.[1] In the initial years, this commission attended to some business,[2] but toward the end of the decade its duties devolved upon a special committee of the Privy Council.[3] This Committee of Trade [4] investigated and reported on all phases of English economic activity, but was naturally chiefly interested in the customs duties and in such other industrial regulations by means of which the royal revenue might be augmented.[5] Thus it was only indirectly that this committee's actions influenced the colonies, as when were discussed the English tariff or the system of regulating the tobacco industry.[6] Nor is it of special significance that the membership of this body and that of the committee for colonial affairs were virtually identical.[7] Both merely included the chief working members of the Privy Council.

[1] *E.g.* Sir Robert Heath, Sir John Wolstenholme, and Abraham Dawes.

[2] Cal. Dom. 1625–1626, pp. 205, 495, 522; *ibid.* 1629–1631, p. 446; *ibid.* 1631–1633, p. 191.

[3] In 1638 and 1639, commissioners of trade were appointed to inquire into the "state of the clothing industry," *i.e.* the woollen trade. Portland MSS. (H.M.C. 1907), VIII, pp. 2, 3. Cf. also *ibid.* (H.M.C. XIII) I, pp. 405, 406.

[4] *Cf.* E. I. Carlyle, *op. cit.* p. 678; C. M. Andrews, *op. cit.* p. 13. See also Cal. Dom. 1629–1631, p. 6.

[5] Cal. Dom. 1634–1635, pp. 453, 472, 500, 513, 520, 556, 581, 598; *ibid.* 1635, pp. 8, 11, 12, 29, 30, 37, 502, 515, 536, 546, 598; *ibid.* 1635–1636, pp. 231, 291, 292, 551; *ibid.* 1636–1637, pp. 47, 402, 523; *ibid.* 1637–1638, pp. 410, 530.

[6] At the meeting of June 11, 1636, the tobacco business was discussed in all its phases. S.P. Dom. Ch. I, vol. 321.

[7] In 1634, the Committee for Trade, which held meetings Friday mornings, consisted of ten members, all of whom were on the Committee for Foreign Plantations, which consisted of thirteen members. Council Register X, p. 3. The Committee for Trade remained virtually unchanged in the following years. Council Register XIII, p. 1; XV, p. 1; XVII, Part I, p. 1.

# CHAPTER XI

## THE EMPIRE DURING THE CIVIL WAR 1642–1649

UNDER the first two Stuarts, there was gradually evolving a more or less definite scheme of controlling both the economic and the political development of the Empire. Foreigners were excluded from commercial intercourse with the colonies, and their export trade was restricted to the metropolis. As a consequence, the colonial trade was predominantly in the hands of English subjects, whether European or American, and was likewise carried on chiefly in English shipping. Both in policy and in actual development, there was a marked tendency toward the creation of a self-sufficient commercial empire. In the political growth of the Empire, there was also manifest a conscious drift in the direction of greater coherence. The extensive privileges of the early grants were being curtailed, and the semi-feudal jurisdictions created by them were being brought under closer supervision and control. Both of these developments, the economic and the political, were checked by the acute disturbances in England culminating in the Civil War. During the years from 1640 to 1649, the work of James I and Charles I was undone, and the Empire became completely decentralized, both politically and economically.

Up to 1640, the Crown had sole control of the colonies.

Although the first two Stuarts encouraged the colonial movement, they occasionally subordinated the interests of the Empire to their dynastic foreign policy. Moreover, their commercial and colonial policy was at times strongly influenced by an urgent need for the funds, by which alone they could hope to maintain their views as to the autocratic nature of the English monarchy. The quarrel between Crown and Parliament produced a cleavage in the body politic, and consequently, although much was accomplished in actual territorial settlement, and also in the establishment of fundamental principles of colonial policy, this probably was insignificant in comparison with what could have been effected had the movement, both in its actual process and in its control, been a truly national one.

The meeting of the Long Parliament brought to an end the Crown's exclusive control over colonial affairs. One of the most important ways in which the King concretely affected the welfare of the colonies was by the imposition of import and export duties in England. The parliamentarians had consistently denied the legality of such taxes when levied by the sole authority of the Crown. In his speech on grievances at the opening of the Long Parliament, Pym complained of this practice, and also of the burdensome nature of the duties, which he stated were "especially insupportable to the poor planters in America, by the tax upon Tobacco." [1] In 1641, however, Charles I was forced to give his consent to an act of Parliament, which declared, that "it is and hath beene the ancient

[1] Parl. Hist. II, p. 641.

right of the Subjects of this Realme," that no duties should be imposed without the consent of Parliament.[1] From this time dates the continuous parliamentary control over the customs, whose nature and extent vitally concerned the colonies. The statute containing this declaration continued, with one important exception, all the duties imposed during the years of absolute government, in spite of the fact that the parliamentary party had continually stigmatized them as burdensome and excessive.[2] The exception was English colonial tobacco, which was exempted from the impost, and in future had to pay only a uniform duty of twopence a pound.[3] Thus, Parliament not only put all the English colonies on the same level, but at the same time adopted the preferential system, since highly discriminating and heavy taxes were imposed on foreign tobacco.

[1] 16 Ch. I. c. 8.

[2] The farmers of the customs, who had collected these taxes during the preceding years, were heavily fined by Parliament. Commons Journal II, p. 157; Somers Tracts II, vol. II, p. 142; Giles Grene, A Declaration in Vindication of the Honour of Parliament (London, 1647), p. 3; Cal. Dom. 1641–1643, pp. 83, 278.

[3] 16 Ch. I, c. 8. This act granted these duties only until July 15, 1641, but they were continued for short intervals until July 2, 1642, by other acts. 16 Ch. I. c. 12, 22, 25, 29, 31, 36. The drawback system was retained, the same repayments being allowed "as have beene formerly by vertue of your Highnes Privy Seale." In addition, it was provided that one-half of the duty of 2*d.* should be repaid if colonial tobacco were reëxported. 16 Ch. I. c. 36 §§ x, xi. For some additional details, see Commons Journal II, pp. 77, 96, 234, 255, 264, 273, 509; H.M.C. IV, 1, pp. 56, 64[a].

[4] On March 17, 1642, it was resolved that Spanish tobacco imported before Sept. 29, 1642, be valued at £2 a pound, and thereafter at £3. At the same time, a resolution that all sugar, except such as was imported from Portugal or the English colonies, should pay double duties, was lost by the deciding vote of the Speaker. Commons Journal II, p. 482.

At this time also, Parliament took under consideration a number of other matters affecting the colonies.[1] It heard petitions concerning Virginia and the Bermudas,[2] and proceeded against the tobacco monopoly.[3] After the outbreak of actual hostilities, in the spring of 1642, Parliament asserted its complete control, both legislative and executive, over the Empire. During the entire Civil War, each contestant claimed jurisdiction over the colonies, but in the colonial, as in the internal struggle, Parliament gained the upper hand. This result was greatly facilitated by Parliament's possession of the fleet and by its control of London, where the colonial trade had to a great extent centred.

Upon Charles I's refusal in 1642 to accept the new tariff drawn up by the House of Commons, this body adopted the revolutionary step of collecting the customs duties, appointing a special committee for this purpose.[4] Thereafter, in the territory under its control, Parliament was the sole arbiter of the duties to be paid. In order to raise

[1] On Aug. 19, 1641, the House of Commons ordered that Sir John Harvey, Richard Kemp, and Christopher Wormeley should not leave England without special license. *Ibid.* II, p. 264. On Sept. 8, 1641, permission was granted to Kemp and Wormeley to go to Virginia. *Ibid.* II, p. 283. See also House of Lords MSS. H.M.C. IV, 1, pp. 95, 100, 104, 105. The patent of the Africa Company was also ordered to be brought before the house, and a petition for creating a company for America and Africa was considered. Commons Journal II, pp. 33, 276.

[2] *Ibid.* II, pp. 54, 64.

[3] *Ibid.* II, p. 33.

[4] Giles Grene, A Declaration in Vindication of the Honour of Parliament (London, 1647), p. 7. In 1643, Grene was chairman of this committee. Cal. Dom. 1641–1643, p. 460. See also Lords Journal V, p. 401[a]; Parl. Hist. II, pp. 1429–1431.

the funds necessary to carry on the war with the royalist party, Parliament in 1643 imposed an excise,[1] which, in so far as imported articles were concerned, was equivalent to a customs duty payable by the first buyer in England. On English colonial tobacco, this tax was placed at fourpence a pound.[2] It was soon recognized, however, that the excise and customs were excessive, and it was decided to lower these taxes both on the colonial and on the foreign product.[3] The preferential system was retained, but, in the interest of the revenue, the duties on Spanish tobacco were lowered from their former prohibitive basis. The ordinance of March 4, 1644, provided that foreign tobacco should pay an excise of one shilling and a customs duty of sixpence a pound, as opposed to twopence and one penny, respectively as excise and as customs, payable on the English colonial product.[4]

Other fiscal measures affecting the colonies were also adopted. The friendly feeling of Parliament toward Puritan New England was manifested in the ordinance of November 26, 1644, which exempted all merchandise ex-

[1] On the excise, see William O. Scroggs, English Finances under the Long Parliament, in *The Quarterly Journal of Economics*, XXI, pp. 481 *et seq.*

[2] Ordinance of Sept. 11, 1643. See also Ordinance of Dec. 23, 1643. Lords Journal VI, pp. 351[b], 352[b], 353[a]; Commons Journal III, pp. 88, 319, 346; An Ordinance of Parliament concerning the Excise of Tobacco (London, 1643).

[3] *Cf.* Commons Journal III, p. 364; Cal. Dom. 1644, p. 10; H.M.C. V, 1, p. 118[b].

[4] No part of the customs duty was repayable on reëxportation from England. Lords Journal V, pp. 448[b], 449[b]; Commons Journal III, pp. 399, 412, 413. See also H.M.C. VI, 1, p. 40[b].

ported to New England, or imported thence if of the growth of the colonies there, from all export and import duties both in England and in New England.[1] Subsequently this immunity was extended to include the excise.[2] In addition, Parliament in a number of special instances, exempted merchandise exported to the other colonies from the payment of the English duties.[3] Parliament also used its power to impose customs duties in order to foster the development of the English mercantile marine, which was not in a satisfactory state. In 1644, a petition was presented to Parliament stating that "divers worldly minded Persons . . . have of late taken Advantage (by some Toleration given in the Statutes, as they pretend) to employ Strangers' Bottoms," and praying for a remedy.[4] Accordingly, in 1645, Parliament prohibited the importation of oil and other products of the whale fishery, unless in vessels

[1] Lords Journal VII, pp. 73[b], 75[a]; Commons Journal II, pp. 987, 988, 998; Cal. Dom. 1644–1645, p. 161; H.M.C. VI, 1, p. 36. See also Commons Journal IV, pp. 333, 337; H.M.C. VI, 1, p. 84[a]; Records of Mass. II, p. 34; Hazard I, pp. 494, 495. It will be noticed that this ordinance implied parliamentary jurisdiction over the fiscal system of the New England colonies, in that it exempted English goods from payment of the colonial duties. Massachusetts, however, evidently did not accept this view, and in 1645 passed a law containing such a clause of exemption. Records of Mass. II, pp. 131, 132. See also p. 246. By Parliament's ordinance, Winthrop said: "We saved 3 or 400 pounds." Winthrop II, p. 289.

[2] Commons Journal VI, pp. 382, 426; Hutchinson Papers I, p. 259; Records of New Plymouth IX, p. 197.

[3] In 1644, the cargoes of seven ships bound for Virginia were exempted. Commons Journal III, p. 607. In 1644, the cargo of one ship bound for the Bermudas was exempted from the customs and excise. *Ibid.* III, p. 667. See also *ibid.* IV, pp. 285.

[4] Lords Journal VII, p. 185.

set forth from England by English subjects.[1] Moreover, an ordinance of January 23, 1647, exempted for three years all merchandise shipped to the colonies from payment of the English export duties, on condition that the colonies should not allow their products to be exported to foreign parts except in English shipping.[2]

Thus the fiscal policy [3] of Parliament continued the Stuart policy of encouraging the colonies by preferential treatment, and at the same time manifested a tendency to exclude foreign shipping from the colonial trade. The former restrictions on the colonial export trade were, however, not continued by Parliament,[4] nor was the exclusion of foreigners from commercial intercourse with the dependencies.[5]

[1] Scobell, A Collection of Acts and Ordinances of General Use (London, 1658) I, p. 92.

[2] The excise was still payable, and Newfoundland was specifically excepted from the privileges granted. In order to prevent frauds, certificates that the goods had been landed in the colonies were required. In case any colony violated the condition upon which the exemption was granted, "then the Plantation so offending shall be excluded from the Benefit of this Ordinance, and shall pay Custom as other Merchants do to *France*, *Spaine*, *Holland*, and other Foreign Parts." Lords Journal VIII, pp. 685[a,b]; Scobell, *op. cit.* I, pp. 113, 114.

[3] The licensing system for retailers of tobacco was also continued, but it is most probable that in the prevailing disturbed conditions, this could not be effectually enforced. H.M.C. IV, 1, p. 46; V, 1, p. 587; VI, 1, p. 149; Commons Journal VI, p. 81.

[4] As late as 1643, Virginia, which was royalist, adhered to the Stuart system of requiring bonds that the goods exported should be shipped to England and the duties there paid. Hening I, p. 258.

[5] In 1644, a number of traders to Virginia petitioned the House of Commons for authorization to interrupt the Dutch and other foreigners trading to the colony. This was referred to the Committee for the Navy, but evidently no favorable action was taken. Commons Journal III, p. 607.

As these fiscal measures were highly advantageous to the colonies, and as Parliament controlled London, where their trade with England centred, this policy was easily enforced. Great difficulty was encountered, however, in extending Parliament's political jurisdiction to the colonies. On the outbreak of the Civil War, colonial affairs were referred to special committees of the House of Commons,[1] and in 1643, a standing council was appointed with extensive powers over the colonies.[2] At the head of this body was Robert, Earl of Warwick, who twenty years before this had been prominent in the Virginia Company, and who was now appointed Governor-in-Chief and Lord High Admiral of all the colonies in America. Associated with him in this commission were nearly a score of the most prominent peers and commoners, such as the Earl of Manchester, Viscount Say and Sele, Sir Arthur Haslerig, the younger Sir Henry Vane, John Pym, and Oliver Cromwell.[3] To Warwick and these commissioners was given power to appoint and remove all colonial governors and other officials, and also general authority to do whatsoever they might judge advantageous for the colonies. On its face, this implied the creation of a politically

[1] Commons Journal II, p. 818; III, pp. 34, 283.

[2] Ordinance of Nov. 2, 1643. *Ibid.* III, pp. 283, 296, 299; Lords Journal VI, pp. 291[a,b], 292[a].

[3] In 1646, the ordinance of Nov. 2, 1643, was confirmed, and some changes were made in the membership of this commission. Commons Journal IV, pp. 476, 482, 648, 695; Lords Journal VIII, pp. 209[a], 225[b]; House of Lords MSS., H.M.C. VI, 1, p. 107[a]. In 1647, it was ordered that any five of these commissioners, whereof one was a peer and two were commoners, should constitute a quorum. Commons Journal V, pp. 405, 406. See also H.M.C. VII, 1, p. 15[b].

centralized empire, but in practice these extensive powers were greatly curtailed. In reality, during the Civil War the strong centrifugal forces within the Empire gained the upper hand. Instead of being more closely controlled than they had hitherto been, the colonies acquired more complete powers of self-government.

This resulted to a great extent from the fact that the party struggles in England were duplicated in the colonies. With the exception of New England, the colonies sided with the King, or they remained neutral and refused to recognize the jurisdiction of Parliament. In general, the authority of Charles I was recognized, but he was in no position to exercise it, except fitfully.[1] At the same time Puritan New England evinced no disposition to accept the extensive jurisdiction claimed by Parliament. Massachusetts denied the right of appeal to England,[2] asserted that its charter exempted them from the broad powers granted to the commissioners of 1643,[3] and claimed that the legislation of Parliament did not bind them.[4] Virtually com-

[1] In 1644, Charles granted to the Earl of Kinnoul the customs on goods imported from the Caribbee Islands. But as Parliament controlled London, this grant was of little practical importance. Cal. Dom. 1644, pp. 66, 67. Charles I also allowed Virginia to dispose of the surplus revenue, if any, arising from the quit-rents, after the payment of the Treasurer's salary. Hening I, p. 306. He also sent instructions to Virginia about the "powder money" payable by ships, and about the salary of the lieutenant of the fort at Point Comfort. *Ibid.* I, pp. 301, 320. For the exercise of the royal authority during this period in the West Indies, see *post*, p. 351.

[2] Winthrop II, pp. 341–345, 364, 365.

[3] *Ibid.* pp. 344, 345.

[4] "Our allegiance binds us not to the laws of England any longer than while we live in England, for the laws of the parliament of England reach no

plete autonomy was enjoyed by Massachusetts during the entire decade.[1]

In the other colonies likewise, Parliament was unable to exercise the authority which it claimed. Maryland was divided into two factions, one Puritan and Protestant, the other in the interest of the Catholic proprietor. During the ensuing quarrel, the proprietary governor was forced to flee from the colony, which for two years was under the control of the insurgents.[2] Although in the years 1645–1647 some steps were taken to make void Lord Baltimore's charter,[3] the proprietor was able to reëstablish his authority. These disturbances in Maryland were discussed in Parliament [4] and led to some private actions at law in the English courts,[5]

further, nor do the king's writs under the great seal go any further; what the orders of state may, belongs not in us to determine." *Ibid.* p. 352. *Cf.* pp. 340, 341, 364–368.

[1] The only important matter on which the commissioners took action was in connection with the disputes as to the extent of Massachusetts' area. In this instance, for reasons of policy, the colony grudgingly recognized their jurisdiction. In 1643, these commissioners issued the Narragansett patent. Cal. Col. 1574–1660, p. 324. This grant was, however, never completed. See I. B. Richman, Rhode Island I, pp. 180–182. In 1644, they issued the famous Rhode Island charter, reserving extensive powers to themselves and their successors. Poore, pp. 1594, 1595. For the subsequent territorial disputes of Massachusetts with Gorton, and the action of Warwick and his colleagues, see Hazard I, pp. 344–347, 547–552.

[2] Osgood III, p. 113.

[3] House of Lords MSS., H.M.C. VI, 1, pp. 142, 162. See also B. C. Steiner, Maryland during the Civil Wars II, pp. 57–60.

[4] H.M.C. VI, 1, pp. 101 *et seq.*

[5] Admiralty Papers, High Court, Instance and Prize Libels, Bundle 107, no. 265; Bundle 108, no. 21. See also R. G. Marsden, The High Court of Admiralty, Royal Hist. Soc. New Series XVI, pp. 94–97.

but throughout there was practically no interference in the internal affairs of the colony by the home government. The neighboring colony of Virginia was predominantly royalist, and while recognizing the authority of the King, governed itself during these years virtually as an independent state. In 1643, the legislature passed an act allowing the Dutch to trade freely in the colony,[1] which ran diametrically counter to the Governor's instructions from the King. At the same time, on the assumption that during the Civil War the salary allowed by the Crown to the Governor was "for this present withdrawn and suspended," the legislature provided a salary.[2] There was some correspondence between Charles I and the colony,[3] but in reality the legislature had become the supreme source of authority in Virginia. In the Bermudas, as in Maryland, the same struggle that went on in England was reproduced on a small scale.[4] As the company was located in England, the commissioners were able to bring considerable pressure to bear on it; and although they did not appoint the officials in the colony, they confirmed those chosen by the company.[5] On the other hand, the royalist party in the colony was strong, and the authority of the company in the islands was considerably weakened, despite the fact that Warwick, in addition to the powers con-

[1] Hening I, p. 258.

[2] It was distinctly stated that this was not to be a precedent. Hening I, pp. 280–282.

[3] *Ibid.* I, pp. 301, 306, 320.

[4] Lefroy I, pp. 569–576, 646, 647; H.M.C. X, 6, p. 95; Cal. Col. 1574–1660, pp. 323, 324, 326–328; Winthrop Papers III, pp. 340–342, 350–354.

[5] Lefroy I, p. 648.

ferred upon him by Parliament in 1643, was also governor of the company. The colony was left very much to itself, and some of the changes in government were seemingly produced by the quarrels of the parties on the spot.[1]

The most consistent and extended attempt of Parliament to exercise its authority was in the West Indies.[2] As the proprietor was a royalist, his estates were sequestrated, and thus the Caribbee Islands came under the control of Parliament. In 1643, Warwick and his fellow-commissioners passed several acts exempting the inhabitants of these colonies from all taxes but such as should be necessary for the support of their governments; they appointed governors for Barbados, St. Christopher, Nevis, Montserrat, and Antigua; they authorized these colonies in future to choose their own governors, subject to the approbation of the commissioners; and they invited them to submit to Parliament. Instead of doing this, St. Christopher and Montserrat admitted the Earl of Marlborough, who had received a commission from the King, and the other islands remained "at least Neutral." In the meanwhile also, in 1645, the Earl of Carlisle submitted to Parliament, and recovered his rights as proprietor,[3] which he leased in 1647 for twenty-one years to Lord Willoughby of Parham.[4] At the same time he appointed Wil-

[1] Lefroy I, p. 549.

[2] Shortly before the appointment of the Warwick Commission, the House of Commons ordered Philip Bell, the capable proprietary governor of Barbados, to remain in office until further orders. Commons Journal III, p. 283.

[3] Lords Journal VII, pp. 565, 578.

[4] Cal. Treasury Papers, 1556–1696, pp. 12–14.

loughby as Governor-General.[1] The situation was further complicated by the rights of the creditors of the first proprietor, who, under a deed of trust, had important claims on the islands.[2] Barbados, the richest and most important of these colonies, refused to be drawn into this complex tangle, and determined to govern itself until the political situation in England had cleared; and in general the other islands pursued a similar independent course.[3] Newfoundland also became less subject to English control. The fishing industry declined and the English fishermen complained bitterly of the "notorious malignant," Sir David Kirke,[4] who governed the colony seemingly without any recognition of parliamentary authority.

This political decentralization was reproduced in the economic structure of the Empire. During the Civil War, the colonial export trade was largely diverted from England, and at the same time foreigners, especially the Dutch, traded extensively with the colonies. This was a natural outcome

[1] Cal. Col. 1574–1660, p. 327.

[2] Cal. Treasury Papers, 1556–1696, pp. 12–14; Lords Journal IX, pp. 49[b], 50[a].

[3] The above facts are taken from a report of 1647. Lords Journal IX, pp. 51[a]–52[b]. See also H.M.C. XIII, Portland MSS. I, p. 412; Commons Journal V, pp. 105, 171, 247. On June 24, 1646, James Parker wrote from Barbados to Governor Winthrop, that a commission from Warwick had come to the colony "to command this government to profess themselves for the parliament, and to lay aside their neutralitie. But this they seem not to embrace, but have answered it thus, professing their willingness to be serviceable to the kingdome, their honour for the parliament, but their yet allegiance to the King, therefore desired to be spared a little till things be settled." Hutchinson Papers I, p. 176.

[4] H.M.C. VI, 1, p. 107[a]; Mass. Hist. Soc. Coll. Series V, vol. I, pp. 499–501.

of the existing conditions. One of the first results of the political disturbances in England was a withdrawal of capital, and an industrial depression.[1] During the Civil War, taxes were heavier, wages increased, and consequently the general cost of production was higher.[2] Thus conditions favored foreign goods in the colonial markets. Moreover, the disturbed political conditions in the colonies had the same tendency. In 1644, a vessel belonging to a royalist port of England was seized in Massachusetts by a parliamentary ship that had a commission from the Earl of Warwick as Lord High Admiral. At the same time, a similar seizure was prevented by the interference of the colonial authorities.[3] In the colonies opposed to Parliament such conflicts were more frequent. It was the policy of the parliamentary government to prevent trading to such hostile communities.[4] As Lord High Admiral, Warwick issued letters of marque, authorizing the seizure of all royalist ships, and also of such "that shall be found to have traded with any of the inhabitants of any such place since their defection from the King and Parliament." [5] In 1644, one Richard Ingle of the ship *Reformation*,[6] came to Maryland with such a com-

[1] Cal. Dom. 1640–1641, p. 524.

[2] Social England IV, p. 270; Cunningham, *op. cit.* (3d ed. 1903) II, p. 190.

[3] Records of Mass. II, pp. 113, 121. *Cf.* H.M.C. VI, 1, p. 58. For details see J. A. Doyle, The Puritan Colonies (Eng. ed. 1887) I, pp. 367–370.

[4] *Cf.* Cal. Dom. 1644, p. 465. Therein is mentioned a bond of £2000 given to Warwick, as Lord Admiral of all the plantations in America, not to trade in any colony opposed to Parliament.

[5] Cal. Dom. 1644–1645, pp. 627, 628.

[6] The preceding year, this vessel had been seized in Maryland on account of some treasonable utterances against Charles I, but it had been released.

mission from Warwick, and proceeded to seize a vessel and to plunder the royalists in the province. In the meanwhile also, the proprietary governor, Leonard Calvert, had received a commission from Charles I at Oxford, empowering him to seize the ships and wares of Londoners and other adherents of Parliament.[1] Such conditions naturally deterred peaceful English traders, whether in sympathy with the Crown or with Parliament, from going to Maryland.

Virginia, whose government was firmly established, tried to follow a neutral course so as not to suffer from a dearth of supplies. The colony's loyalty to Charles I, however, made such a policy difficult. In 1644, two London ships attacked a Bristol vessel in the James River. The engagement was indecisive, but the London ships did not land because of Virginia's adherence to the King, and they were obliged to depart without tobacco.[2] Virginia officially disclaimed any intent to discriminate and insisted that the parliamentary party was allowed free trade.[3] In 1645, the colony even passed a special act permitting such intercourse to all English subjects;[4] but the fear of hostile action must have kept some parliamentary traders away from Virginia.

[1] Cal. Dom. 1644–1645, pp. 627, 628; House of Lords MSS., H.M.C. VI, 1, pp. 101, 102, 142; Archives of Maryland, Council 1636–1667, pp. 164–171, 244–245 *et passim;* Virginia and Maryland (London, 1655), p. 11, in Force II, no. 9. See also B. C. Steiner, Maryland during the English Civil Wars II, pp. 32–38, 43, 44, 48–60.

[2] De Vries, p. 126. *Cf.* Winthrop, under date of May 20, 1644.

[3] House of Lords MSS. H.M.C. VI, 1, p. 158.

[4] The law was passed "because of some questions and doubts that have been made by the Londoners this yeare tending to a prohibition of trade with them." Hening I, p. 296.

Although strongly royalist, the West Indies also attempted to preserve a neutral attitude.[1] In 1646, Barbados asserted that they had received all ships from ports in the hands of Parliament.[2] But the sentiment of the colonies was not favorable to such intercourse, especially as Warwick had authorized a number of ships to deny all trade to such of these colonies as adhered to Charles.[3]

While these conditions deterred English traders from going to the colonies,[4] at the same time the risk of seizure in English waters [5] tended to divert the colonial export trade to continental ports. Parliament took measures to prevent ships from the colonies from going to Bristol and other places in the power of Charles I.[6] Similarly, the royalists seized vessels proceeding from the West Indies and New England to London and other parliamentary ports.[7] Such practices inevitably dislocated the established trade-routes. Other

[1] In connection with the above-mentioned seizure of a Bristol ship in Boston harbor, George Downing wrote to John Winthrop, Junior: "I am sure in the Indyes they will not suffer either party to offend the other, upon danger of confiscation of all, and yet they haue suffered more from either party than New England." Winthrop Papers I, p. 537. In 1643 or 1644, a Bristol ship was seized as a prize in the Bermudas. Lefroy I, p. 716.

[2] Lords Journal IX, p. 51[a]. [3] *Ibid.*

[4] In reference to the seizures in Boston harbor, Winthrop wrote in 1645 that they had been plentifully supplied, "yet it was feared no ships would have come to us, because we had suffered the Bristol and Dartmouth ships to be taken in our harbor." Winthrop II, pp. 288, 289.

[5] *Cf.* De Vries, pp. 128, 129.

[6] Cal. Dom. 1645–1647, p. 9; *ibid.* 1644–1645, p. 55. In 1643, shortly before the surrender of Dartmouth, the House of Commons authorized its mayor to seize the ships of malignants in its harbor. Commons Journal III, p. 238.

[7] H.M.C. XIII, Portland MSS. I, p. 168; Cal. Dom. 1648–1649, p. 262.

conditions arising out of the war had the same tendency. Thus in 1648, when there was in effect a general embargo, two London merchants petitioned Parliament that their vessels be permitted to sail to Virginia, pointing out that the embargo was very detrimental to England, as the Dutch had fitted out twenty-five ships with merchandise for the colony.[1] As a result of all these factors, the economic ties binding England and the colonies became gradually of less and less importance, until finally, toward the end of the war, the Dutch controlled to some extent the most important branches of the English colonial trade.

In 1643, the Dutch trader, De Vries, found in Virginia thirty English ships ready to take in cargoes of tobacco, and only "four Holland ships, which make a great trade here every year." [2] Some impediments were, however, still placed on foreign shipping,[3] but at this time these were removed. In this year Virginia passed an act making it "free and lawfull for any merchant, factors or others of the Dutch nation to import wares and merchandizes and to trade or traffique for the commoditys of the Collony in any shipp or shipps of their owne or belonging to the Netherlands." [4] As a result, a few years thereafter, on Christmas 1648, of the thirty-one ships in the colony, twelve were Dutch, as opposed to the same number from England and to seven from New England.[5]

[1] They agreed to send their vessels by a route that would enable them to avoid the revolted ships in the Downs. H.M.C. VII, 1, p. 45[a]. For a similar petition, see p. 47[a].

[2] De Vries, p. 125. [3] *Ibid.* [4] Hening I, p. 258. *Cf. ibid.* p. 331.

[5] A Perfect Description of Virginia (London, 1649), p. 14, in Force II, no. 8. See also N.Y. Col. Doc. I, p. 265.

During these years also, the trade of the English West Indies was to an overwhelming extent in the hands of the Dutch.[1] In 1652, Governor Daniel Searle of Barbados stated that "the trade of the Iland fformerly (as I am informed) was most of all carried on by the Dutch." [2]

Similar conditions prevailed in the other colonies, whose trade was of less importance. In 1644, the Bermuda Company complained that the colony traded with strangers;[3] and a few years thereafter, at a time when the company's authority was at a low ebb, trade with the Dutch was evidently engaged in quite freely.[4] A law passed by Maryland in 1649, granting to the proprietor an export duty on all tobacco shipped in any Dutch vessel to any but English ports, shows clearly that this colony also admitted foreign traders.[5] The Dutch also came to New England, bringing supplies, and purchasing cargoes of pipe-staves and other products.[6] Similarly, the English resorted to New Netherland. The extent of this mutual intercourse is shown by the fact that in 1642 the Massachusetts legislature, "considering the oft

[1] Brit. Mus. Add. MSS. 11,411, folio 3; Whitelocke, Memorials, p. 607; Thurloe III, p. 249; Child, A New Discourse of Trade (London, 1694), p. 195.

[2] Col. Pap. XI, 68.

[3] Lefroy I, p. 588. *Cf.* N.Y. Col. Doc. I, p. 174.

[4] Lefroy I, p. 641.

[5] Archives of Maryland, General Assembly, 1638–1664, pp. 252, 253. This is also indicated by a proclamation issued in 1644, when the tobacco crop was short. In order to prevent the ships from England, which had brought supplies to the colony, from going home empty, it was ordered by the Governor that no tobacco should be exported in other vessels until these ships had been fully freighted. *Ibid.* Council 1636–1667, p. 144. *Cf.* also Calvert Papers I, p. 215.

[6] Winthrop Papers IV, pp. 40, 41.

occasions wee have of trading w$^{th}$ the Hollanders at the Dutch plantation & otherwise," ordered that Dutch money should be current in the colony at certain stipulated valuations.[1] Such foreign vessels, coming to Massachusetts, had, however, to pay tonnage and anchorage fees, from which the ships of the colony and its confederates in New England were exempted.[2]

As a result of this extensive foreign trade, the colonies were not only supplied with non-English manufactures, but in addition, their produce was shipped directly to the markets of continental Europe. Toward the end of 1650, or the beginning of the following year, a number of Dutch merchants stated that they had "traded for upwards of twenty years past to all the Caribbean islands and to Virginia." Their sales to these colonies, they stated, consisted exclusively of domestic manufactures, textiles, and liquors, in return for which they imported into the United Provinces furs and tobacco from Virginia, and also sugar, tobacco, indigo, ginger, and valuable woods from the West Indies.[3] Furthermore, English traders took Virginia tobacco directly to foreign ports both in America[4] and in Europe.[5] The New England merchants, as a Dutch petition of 1649 stated, traded "where

[1] Records of Mass. II. p. 29.

[2] *Ibid.* II, pp. 63, 64, 131, 132. In 1644, there is a reference to a Portuguese ship at Boston. *Ibid.* pp. 79, 80. *Cf.* Winthrop II, p. 298.

[3] N.Y. Col. Doc. I, pp. 436, 437. *Cf.* pp. 625, 626.

[4] De Vries, p. 125.

[5] Shortly after the Restoration, John Bland said: "I am sure upon the first obtaining this Act in the long Parliament, our Traders to *Virginia* and *Mariland* carried the Tobacco from those colonies directly to Holland themselves." Va. Mag. I, p. 150.

they list, without knowing either duty or inspection." [1] Their lumber they carried to the Canaries and Madeira, their fish to Portugal and Spain.[2]

This extreme decentralization, both economic and political, amounting virtually to anarchy, was naturally not satisfactory to Parliament. In 1644, the House of Commons instructed the Committee of the Navy to report upon the fittest course for reducing Virginia and the Bermudas to the obedience of Parliament.[3] Two years later, there was on foot a plan to secure the submission of St. Christopher and Montserrat.[4] Beyond persuasion, intimidation, and letters of marque authorizing the seizure of vessels trading to the disaffected colonies, no other attempt was made to secure the obedience of the dependencies. Parliament's energies were wholly absorbed in the conflict with the Crown, and it was only after the execution of Charles I, early in 1649, that it could turn its attention from the internal struggle to the anarchic condition of the Empire. The establishment of the Commonwealth ushered in a period of reconstruction and reform, when was attempted not only to stem the disruptive tendencies that had held unchecked sway during the Civil War, but also to create a colonial policy based upon what was considered to be the national interest.

[1] N.Y. Col. Doc. I, p. 268. *Cf.* p. 346.

[2] *Ibid.* I, p. 370. *Cf.* Records of Mass. II, pp. 132, 169, 247–249; Johnson, Wonder-Working Providence, p. 208; A Description of the Province of New Albion (1648), p. 6, in Force II, no. 7.

[3] Commons Journal III, p. 525.

[4] *Ibid.* IV, p. 475.

# CHAPTER XII

## THE COLONIAL POLICY OF THE COMMONWEALTH AND PROTECTORATE

### 1649–1660

THE execution of Charles I and the establishment of the Commonwealth produced a temporary disintegration of the Empire. With the exception of New England, the colonies in general refused to recognize the established government in England and announced their adherence to Charles II. In the Bermudas, the Council voted that the execution of Charles I was 'a horrid act which we defie and detest,' and acknowledged the title of his son.[1] The Governor, Thomas Turnor, who evidently was in sympathy with Parliament,[2] was forced to resign, and in his stead the Council temporarily appointed a governor until they should hear from the new King and the company.[3] The Virginia legislature voted that all defending "the late traiterous proceedings" in England should be adjudged accessories to the death of the King, and that those insinuating any doubts concerning the rights of Charles II in Virginia should be deemed guilty of high treason.[4] These rights were even to a

[1] Lefroy I, p. 650. *Cf.* pp. 651, 652.

[2] *Ibid.* I, p. 648.

[3] *Ibid.* I, pp. 653, 654.

[4] Hening I, pp. 359–361. Accomac separately also acknowledged Charles II. William and Mary College Quarterly I, p. 189. One minister, at least, who refused to conform to the use of the Common Prayer Book, which had been prohibited by Parliament, was banished from the colony. Cal. Col. 1574–1660, p. 330.

certain extent exercised by the fugitive monarch. At the time of his departure from Breda for Scotland,[1] Charles II issued a commission to Governor Berkeley and the Virginia Council, especially enjoining them to fortify the colony "for the better suppressing of such of our subjects as shall at any time rebel against Us or Our Royal Governor there, and for the better resisting of foreign force which shall at any time invade those territories." [2] In Virginia, royalist sentiment had been considerably strengthened by fugitive Cavaliers, who in considerable numbers had settled in the colony.[3] This element was even stronger in Barbados, whose phenomenally rapid economic development had already at this time made it the richest and most prosperous of English colonies.[4] Here also Charles II was proclaimed King, and his authority was acknowledged by a special act of the local legislature.[5]

[1] The date of this commission, as given in the calendar, is June 3, 1650. According to Gardiner (Commonwealth and Protectorate I, p. 264), Charles left Breda the preceding day. In 1650 Charles II also appointed Norwood to succeed Claiborne as Treasurer of Virginia. Force III, no. 10, pp. 49, 50; Va. Mag. XIV, p. 268. There is extant an interesting letter from Charles II to Governor Berkeley, dated May 20, 1651. Therein an intending settler in Virginia was recommended to Berkeley, who was asked to pay him £460, which Charles promised to make good, "whenever the present exigencies of our affairs shall be a little over." Heathcote MSS. (H.M.C. 1899), p. 6.

[2] Cal. Col. 1574–1660, p. 340.

[3] William and Mary College Quarterly I, p. 190; Clarendon, History of the Rebellion (ed. Macray), V, p. 263; A Voyage to Virginia by Colonel Norwood, in Force III, no. 10, p. 3.

[4] "The Barbados, which was much the richest plantation, was principally inhabited by men who had retired thither only to be quiet, and to be free from the noise and oppressions in England." Clarendon, *op. cit.* V, p. 262. *Cf.* Bryan Edwards, West Indies (ed. Phila. 1806), II, pp. 18, 19.

[5] Cal. Col. 1574–1660, pp. 344, 346.

The Commonwealth government was naturally not disposed to allow this defection of the colonies to pass unchallenged. On July 26, 1649, the Council of State formally notified them of the change in government. In these letters was embodied a clear enunciation of the formula which summed up the reciprocal duties of metropolis and dependency. The colonies were enjoined "to maintain their obedience, as they look for protection from England." [1] The entire situation was subjected to a careful examination,[2] which made it apparent that only by armed force could the submission of the royalist colonies be secured. On October 3, 1650, Parliament passed an act,[3] which declared that the colonies "ought to be subject to such Laws, Orders and Regulations as are or shall be made by the Parliament of England," and which authorized the Council of State to send an expedition to reduce the recalcitrant colonies and to settle their government. This act also declared those guilty of the rebellious proceedings in Barbados, Antigua, the Bermudas, and Virginia "to be notorious Robbers and Traitors, and such as by the Law of Nations are not to be permitted any maner of Commerce or Traffique with any people whatsoever," and prohibited all commercial intercourse with them.[4]

[1] Cal. Dom. 1649–1650, p. 245; Cal. Col. 1574–1660, p. 330.

[2] Cal. Col. 1574–1660, pp. 330 *et seq.*

[3] Scobell II, pp. 132–134; Commons Journal VI, pp. 474, 478. This act was drafted by the Admiralty Committee of the Council of State. Lefroy I, p. 660.

[4] Accordingly in 1651, Massachusetts passed a law forbidding such trade, and toward the end of the year, in anticipation of Ayscue's success, repealed it. Hazard, Collections I, pp. 553, 554, 558, 559; Records of Mass. IV, Part I, pp. 40, 41, 58.

For the reduction of Barbados a considerable force was prepared and was placed under the command of Sir George Ayscue.[1] He was authorized to govern the island, and after his departure, Daniel Searle was to succeed to the governorship.[2] Barbados, however, was not to be intimidated. In answer to the act of October 3, 1650, the colonial authorities declared that "they totally disclaimed the authority of the British parliament, in which they were not represented," and they added that it would be slavery to submit to its jurisdiction.[3] When Ayscue arrived at the colony, he found its not insignificant military forces well organized for a stubborn defence, and was able to accomplish but little. Ultimately, however, as the future of the Stuart cause was most dubious, the conservative element in the colony decided to submit, provided liberal terms were granted. By the articles of surrender of January 11, 1652,[4] it was provided that no taxes should be imposed without the consent of the local legislature, and that the colony should "have as great freedom of trade as ever."

In addition the proprietary government was extinguished. Lord Willoughby was replaced by a parliamentary Governor,

[1] Commons Journal VI, pp. 526, 590.

[2] Daniel Searle and Michael Pack were associated with Ayscue as commissioners for reducing Barbados. Cal. Col. 1574–1660, p. 349; Interregnum Entry Book I 69, pp. 290, 291.

[3] Schomburgk, Barbados, pp. 706–708; John Poyer, Barbados (London, 1808), pp. 54–56. *Cf.* H.M.C. XIII, Portland MSS. I, p. 609.

[4] Brit. Mus., Add. MSS. 11411, folio 95; N. D. Davis, The Cavaliers and Roundheads of Barbados (Georgetown, 1887), pp. 250–255; Schomburgk, Barbados, pp. 280–283; Cal. Col. 1675–1676, pp. 85–87. These terms were subsequently confirmed by Parliament. Commons Journal VII, p. 166.

and Barbados was converted from a semi-feudal principality into a dependency directly subordinate to England.[1] Actually, however, the change was not so revolutionary in character. The local legislature had acquired so much authority, that the Governor was unable to cope with it. In 1652 it was reported by the Treasurer of the colony [2] that some persons in Barbados "had a design to make this place a free state, and not run any fortune with England, either in peace or war." [3] Early in the following year the same authority stated that they had "already constituted a kind of parliamentary power, chosen themselves a speaker, and so clipped the Governor's power that he has not a fifth part of that which all former Governors have had." [4] At this time also, Governor Daniel Searle wrote to the Council of State that those elected to the legislature were, for the most part, enemies to the existing government in England, and that it was the intention of some to model "this little limb of the Commonwealth into a free state." [5]

The minor West Indian colonies likewise submitted to the Commonwealth, and in them also the proprietary governors were displaced by appointees of the English government.[6]

[1] For Daniel Searle's commission as Governor, see Brit. Mus., Egerton MSS. 2395, folio 114; Interregnum Entry Book I69, pp. 290, 291.

[2] Cal. Col. 1574–1660, p. 401. [3] *Ibid.* p. 384. [4] *Ibid.* p. 399.

[5] *Ibid.* p. 408. *Cf.* pp. 406, 410.

[6] Clarendon wrote that the colonies all submitted without any other damage "than the having citizens and inferior persons put to govern them, instead of gentlemen who had been intrusted by the King in those places." Clarendon, *op. cit.* V, p. 262. For the drafts of some of these commissions, see Brit. Mus., Egerton MSS. 2395, folios 68, 188. Antigua was reduced by Ayscue, who, in conjunction with the other parliamentary commissioners, appointed Christopher Kaynell as its Governor. Oliver, Antigua I, pp. xxi, xxii.

In the Bermudas the course of events was somewhat different. Toward the end of 1649, the Council of State took under its consideration the condition of this colony, and on January 1, 1650, an order was issued confirming the powers of Governor Forster and of the Council appointed by the company, and ordering all officials in the Bermudas to acknowledge the Commonwealth.[1] Captain Forster was accepted without opposition, but the colony refused to acknowledge the Commonwealth and continued to treat all opponents of Charles Stuart as traitors.[2] Consequently the Bermudas were included in the punitive clauses of the act of October 3, 1650, and Ayscue was instructed to secure their submission after that of Barbados had been effected.[3] No measures of force, however, were necessary, for upon hearing of the events in the West Indies, the Bermudian government took the oath of fidelity to the Commonwealth.[4] Notwithstanding this, the opposition to the parliamentary party continued, and in 1653, as a consequence thereof, the English government superseded the old company of 1615, and erected a new one composed of persons favorably disposed toward it.[5] To this company was specifically granted the extensive powers of its predecessor, but the English government

[1] Lefroy I, pp. 656, 658; Cal. Col. 1574–1660, pp. 330, 331, 332; Cal. Dom. 1650, p. 489.

[2] Lefroy I, pp. 659–662; II, pp. 8–10, 13. Among those approving of the execution of Charles I was one George Washington.

[3] Lefroy I, pp. 663, 664, 669; Cal. Col. 1574–1660, p. 347; Cal. Col. 1675–1676, pp. 50, 51.

[4] Lefroy I, pp. 673, 674.

[5] Cal. Col. 1574–1660, pp. 402, 404, 405, 449; Lefroy II, pp. 41–43.

closely supervised its proceedings and controlled its appointments.[1]

In addition to the Ayscue expedition, which was designed in the first instance to secure the submission of the island colonies, a smaller force was prepared to reduce Virginia. In 1650, it was suggested that Parliament should appoint a commissioner with power to settle the government of that colony,[2] and in the following year five commissioners, among whom were Richard Bennett and William Claiborne, were sent with an armed force to secure Virginia's adherence to the Commonwealth.[3] The colony's attitude was still defiant. On hearing of the act of October 3, 1650, Governor Berkeley bitterly arraigned Parliament,[4] and at the same time the Assembly resolved to continue their allegiance, and to "pray for the happy restauration of our King, and repentance in them, who to the hazard of their soules have opposed him." [5] Despite these brave words, in March 1652, Virginia submitted to the parliamentary force without making any resistance,[6] although upon favorable terms. The articles of

[1] Cal. Col. 1574–1660, pp. 438, 449, 450, 456, 463; Lefroy II, pp. 69, 81, 86, 87, 117–119. In 1656 or 1657, the company of 1653 was reorganized, and the rights of some of the patentees of 1615 were restored. In 1658, the Earl of Manchester was its governor, and a despatch of the company to the colony was signed by Warwick and others not mentioned in the commission of 1653. In this year also, complaints were made that the company had appointed William Sayle as deputy governor, as well as other officials in the colony, who were disaffected to the Commonwealth. Lefroy II, pp. 119–121; Cal. Col. 1574–1660, pp. 468, 469.

[2] Cal. Col. p. 332. *Cf.* p. 339.

[3] *Ibid.* pp. 360, 361. [4] Va. Mag. I, pp. 75–77. [5] *Ibid.* I, pp. 78 *et seq.*

[6] *Ibid.* XI, pp. 32, 33. Berkeley wrote to Charles II, beseeching his pardon for the surrender. Cal. of Clarendon State Papers II, p. 133.

surrender provided that the colony should be restored to its extreme limits, which would have nullified Lord Baltimore's grant and have incorporated Maryland in Virginia; that it should not be taxed except with the consent of its own legislature; and that its privileges should be equal to those of any other colony. These crucial articles were not confirmed by Parliament, but among those ratified by that body was one providing that Virginia should have free trade to all places.[1]

After the surrender, the government of Virginia was reorganized. In place of the royalist Berkeley, Richard Bennett, one of the parliamentary commissioners, became Governor. This was a temporary appointment, pending the decision of the English government, and was made by the joint action of the commissioners and of the Assembly.[2] Bennett's successors, Digges and Mathews, were elected by the Assembly alone, which became the supreme authority in the colony.[3] At various times it was suggested that the English authorities should interfere, and should appoint the colony's executive head.[4] In 1657 Cromwell was urged by

[1] Hening I, pp. 363–365, §§ 4, 7, 8; Virginia and Maryland (London, 1655), pp. 20–22, 46, 47 n., in Force II, no. 9; Hazard, Collections I, pp. 560, 561; Commons Journal VII, pp. 172, 173 *et passim*.

[2] Hening I, pp. 371, 372.

[3] *Ibid.* pp. 408, 426, 431. The legislature also provided their salaries. *Ibid.* pp. 393, 423.

[4] On the establishment of the Protectorate, it was announced that Cromwell had determined to settle the government of Virginia. All that was done was to instruct the colony to continue Bennett as Governor. Cal. Col. 1574–1660, pp. 412, 413. See also Cal. Dom. 1653–1654, p. 271; Brit. Mus., Add. MSS. 11411, folio 19.

the committee in charge of colonial affairs to nominate a governor,[1] and in the following year the Virginia merchants pointed out the necessity of such a step in view of "the distracted state" of the colony.[2] Some arrangement was planned, but before anything could be effected, Cromwell died,[3] and during the intervening year and a half prior to the restoration of Charles II, Virginia continued completely to govern itself.[4]

As Baltimore had tactfully done nothing to incur the hostility of Parliament, it was seemingly due to some skilful intrigues on the part of his enemies, that the commissioners sent to reduce Virginia were authorized to proceed against "all the plantations within the Bay of Chesapeake." [5] After

[1] It was stated that the government was "verie loose," and that consequently there was no prospect of procuring from Virginia silk and "diverse other rich Comodities to the vse and benefitt of this Nation." Brit. Mus., Egerton MSS. 2395, folio 147; Cal. Col. 1574–1660, p. 461.

[2] Cal. Col. 1574–1660, p. 468.

[3] *Ibid.* p. 468. During the interregnum, Virginia also erected its own admiralty court. Hening I, p. 537; Va. Mag. VIII, p. 159.

[4] On September 7, 1658, Henry Lawrence, the President of the Protector's Council, wrote to the Governor and Council of Virginia that Oliver Cromwell had taken into his consideration the looseness of the colony's government, and that some resolutions had been passed in this connection, but that in the meanwhile the Protector had died; that Richard Cromwell should be proclaimed as his successor, and that the existing government of the colony should be continued. Hening I, pp. 509, 510. Richard Cromwell was duly recognized. *Ibid.* p. 511. In 1659 the Assembly chose Mathews as Governor, and in 1660, pending the restoration of the monarchy in England, it reinstated the old royalist Governor, William Berkeley. *Ibid.* pp. 516, 530. *Cf.* pp. 531, 532. On August 20, 1660, Berkeley wrote to Stuyvesant: "I am but a servant of the assembly: neither do they arrogate any power to themselves, farther than the miserable distractions of England force them to." William Smith, New York, p. 11.

[5] Cal. Col. 1574–1660, p. 361.

Virginia had submitted, the commissioners proceeded to the neighboring colony of Maryland,[1] and temporarily superseded the proprietor's authority, pending a decision of the questions at issue in England. There the matter was carefully considered,[2] but a determination was never reached. In the meanwhile, anarchy prevailed in the colony,[3] and in 1657 order was restored only by a private agreement between the contending parties, in accordance with which Baltimore was to all intents and purposes restored to his proprietary rights in the province.[4]

Of the remaining English colonies, those in New England were fully in sympathy with Parliament, but they had no intention of submitting to any extension of the mother country's jurisdiction. Massachusetts complained to Parliament of the power conferred upon the Council of State to appoint governors in all the colonies and of the proposed plan to issue a new charter for the colony, and insisted that its form of government should not be changed.[5] In 1651, the English government issued a commission appointing William Coddington as Governor of Rhode Island. But this was an exceptional instance, and did not result from English initiative, but from the desire of Coddington to gain control of the colony.[6] In 1652, after it had become evident that

[1] Va. Mag. XI, pp. 34, 35; John Hammond, Leah and Rachel (London, 1656), pp. 22–25, in Force III, no. 14.

[2] Cal. Col. 1574–1660, pp. 397, 412; Archives of Maryland, Council 1636–1667, pp. 320, 330, *et passim.*

[3] *Cf.* Cal. Col. 1574–1660, p. 435.

[4] Osgood, *op. cit.* III, p. 133.

[5] Especial objection was made to the keeping of the colony's courts and to the issue of warrants in the name of Parliament. Hutchinson, Massachusetts I, pp. 448–450.

[6] Cal. Col. 1574–1660, pp. 338, 354.

Rhode Island was opposed to Coddington, his commission was withdrawn.[1] In general, during the interregnum, New England was not subjected to any outside interference, but was allowed virtually complete self-government.

Newfoundland, in contradistinction to Puritan New England, was under the control of a royalist, Sir David Kirke, one of the patentees under the charter of 1637. The Commonwealth government was keenly intent upon developing English sea power, and consequently was anxious to revive the Newfoundland fishery, which had greatly declined during the Civil War.[2] Shortly after the execution of Charles I, the question was investigated,[3] and measures were taken to protect the English fishing fleet.[4] In 1651 commissioners were appointed to inquire into Kirke's actions in Newfoundland,[5] and in the following year commissioners were sent to govern the colony.[6] In 1653, John Treworgie was appointed "Commissioner for managing and ordering the affairs and interest of the Commonwealth in Newfoundland," [7] and during the ensuing years up to the Restoration he continued to govern the colony.[8] Thus Newfoundland also was

[1] For the details of this episode, see I. B. Richman, Rhode Island II, pp. 4–17.

[2] *Cf.* Cal. Dom. 1653–1654, p. 126. [3] Cal. Dom. 1649–1650, p. 31.

[4] Commons Journal VI, p. 151; Cal. Col. 1574–1660, p. 329. For subsequent measures of protection and the development of the convoy system, see Cal. Dom. 1650, pp. 8, 17; *ibid.* 1654, p. 241; *ibid.* 1656–1657, pp. 561, 571; *ibid.* 1657–1658, p. 435; Leyborne-Popham MSS. (H.M.C. 1899), pp. 61, 63.

[5] Cal. Col. 1574–1660, p. 354. [6] *Ibid.* pp. 381, 415. [7] *Ibid.* p. 403.

[8] In 1660, Treworgie was "Commander of the Colony of this Nation in Newfoundland." *Ibid.* pp. 411, 415, 416, 443. *Cf.* Brit. Mus., Egerton MSS. 2395, folio 262; Prowse, Newfoundland, pp. 164, 168.

brought directly under the control of the English government.[1]

In general these actions of the English government denoted a strong tendency toward imperial centralization. The proprietary privileges in the West Indies were abrogated, and a provincial system of government was inaugurated. A similar result was attained in Newfoundland. The Bermuda Company was reorganized, and its proceedings were carefully controlled by the government. Finally in Maryland, the authority of the proprietor was temporarily superseded by commissioners of the English government. In all these various ways the semi-feudal privileges of the Stuart grants were either entirely annulled or seriously curtailed. While Parliament thus asserted its sovereignty over the colonies, it showed no intention of exercising this authority to any extensive degree, except when it was disputed by those adhering to Charles Stuart. Only when this vital question was at issue, did the English government interfere in the internal affairs of the colonies. Not only did the New England colonies act like autonomous communities, but in addition, at no subsequent time was Virginia so free from outside control. Barbados and the other island colonies were also, to a great extent, left to themselves. Thus a greater centralization of the Empire, from the legal point of view, was accompanied by more complete colonial self-government.

[1] The elaborate Stuart regulations for conducting the fishery formed the basis of a set of rules issued in 1653 by the Council of State. Interregnum Entry Book 169, pp. 207–210.

This comparative lack of interference in the local affairs of the dependencies to no extent indicated an absence of interest in the colonies. On the contrary, at no time was England more alive to the importance of transmarine possessions than during these years from 1649 to 1660. The establishment of the Commonwealth, and the temporary collapse of Charles Stuart's cause in consequence of the decisive victories over the Scottish armies in 1650 and 1651, gave the nation a momentary respite from the internal struggle that for nearly two generations had hampered its external development. The decade which was dominated by Cromwell's vigorous personality was marked by the devotion of especial attention to commercial and colonial expansion.[1] During the first half of the century, when England was rent in twain by the protracted struggle between *jure-divino* Anglicanism and parliamentary Puritanism, the Dutch had acquired supremacy in foreign commerce. A vast accumulation of capital, more highly developed banking facilities and commercial methods, gave to this nation the economic mastery of Europe and an advantage of position which the other states found extremely difficult to overcome. The England of Cromwell realized that its economic growth in nearly every direction was stunted by Dutch competition.

The Dutch retained their supremacy in the herring fishery, and from those adjacent waters, over which England had long claimed proprietary rights, brought great wealth to

[1] For a more detailed treatment of this subject, see the writer's essay *Cromwell's Policy in its Economic Aspects*, and the authorities cited therein. Political Science Quarterly, vols. XVI, XVII. For a radically different interpretation, see W. Cunningham, The Wisdom of the Wise, pp. 106–125.

their country.[1] It was considered "to the shame and wonderfull dishonour of England" [2] that an industry so essential to the development of sea power was controlled by foreigners. In addition, as a consequence of low rates,[3] the Dutch were monopolizing the carrying-trade of the world. It was especially humiliating that the most valuable branches of the English colonial trade were to so large an extent in their hands. In order to develop English sea power, and to compete successfully with the Dutch fishery and carrying-trade, unrestricted access to the Baltic countries was essential, because there alone could be obtained the indispensable naval stores.

Admittance to the countries, whence came tar, pitch, and hemp, could be gained only through the Sound, the narrow straits separating Denmark from the Scandinavian peninsula. This strategic highway was controlled by Denmark, which in 1649 granted to the United Provinces exceptional and exclusive privileges in its use.[4] In vain did England protest that the Baltic trade was "of very great concernment," and that it was irksome to be dependent on "the pleasure of other nations" for such essential commodities as these stores.[5] Finally, in the Far East,

[1] B. Whitelocke, Journal of the Swedish Embassy I, pp. 114, 123, 152, 153; Sir Ralphe Maddison, Great Britain's Remembrancer (London, 1655), pp. 39, 40; Robinson, Briefe Considerations (London, 1649), p. 8; Robinson, Certain Proposalls (London, 1652), pp. 8, 10, 11.

[2] Lewes Roberts, The Treasure of Traffike (London, 1641), p. 89, in Select Collection of Early English Tracts on Commerce.

[3] Sir Walter Raleigh, Works (London, 1751) II, p. 114; Va. Mag. I, p. 148.

[4] Dumont, Corps Universel Diplomatique VI, Part I, pp. 535–537.

[5] J. Geddes, John de Witt (Eng. ed.), pp. 176, 177.

owing to Dutch hostility, the English had been driven out of the Spice Islands, and were largely confined to the less lucrative trade of the Indian peninsula. The arrogance of the Dutch and the high-handed manner in which they acted in the Orient was a continuous source of irritation. On several occasions, in the opening years of the Commonwealth, the English East India Company petitioned the government for help.[1]

As soon as Parliament was freed from the anxiety of the struggle with the Crown, its attention was turned to rectifying this state of affairs. In 1650, it passed an act forbidding foreign vessels from trading in the English colonies, and in the following year was enacted the famous Navigation Act of 1651, whose object was to further the growth of the English mercantile marine and of the fishing industry. These acts, whose repeal was unsuccessfully sought by the Dutch,[2] aroused considerable irritation. Other factors, both economic and political, contributed to widening the breach between the English and the Dutch. There were present all the elements of a deeply seated economic antagonism, which nothing but an armed conflict or a coalescence of the two interested states could allay. The latter remedy did not appeal to the United Provinces, and in 1652 the latent hostility resulted in formal war.

During the course of the war, there were a number of abortive proposals for a solution of the questions at issue. One, emanating from English sources, suggested the conclu-

[1] J. Bruce, Annals of the East India Co. I, pp. 447, 448.

[2] N. Y. Col. Doc. I, pp. 437, 486; Ludlow, Memoirs I, p. 299.

sion of an offensive and defensive alliance between the English and Dutch republics. By their joint action Spain and Portugal were to be deprived of their colonial empires; the entire East and also Brazil were to be turned over to the Dutch, while all America, with the exception of Brazil, was to be reserved as an exclusive field for English colonization and commerce.[1] The treaty of peace concluded in 1654 did not include any such arbitrary scheme for a division of the non-European world. By it, reparation was made for the Dutch depredations on English commerce in the Far East, and at the same time England's pretensions, as embodied in the acts of 1650 and 1651, were tacitly admitted.[2] At the same time also, England concluded a treaty with Denmark, Holland's ally in the war, which secured to English ships the same treatment in the matter of tolls and duties that should be accorded to those of her commercial rival.[3] The Danish treaty assured an unobstructed supply of naval stores upon favorable terms;[4] the Dutch treaty indirectly conceded England's right to bar foreigners from the colonial trade and to develop her mercantile marine by measures directly injurious to foreign shipping.

[1] Thurloe II, pp. 125, 126.

[2] Dumont, *op. cit.* VI, Part II, pp. 74–77, 88–92.

[3] *Ibid.* p. 92.

[4] In connection with this treaty, Cromwell told Parliament: "You have the Sound open, which used to be obstructed. That which was and is the strength of the nation, the shipping, will now be supplied thence. And whereas you were glad to have anything of that kind at second hand, you have now all manner of commerce there, and at as much freedom as the Dutch themselves, 'who used to be the carriers and venders of it to us,' and at the same rates and tolls." Carlyle, Cromwell (London, 1885) II, p. 323.

Having settled these matters, the English government, now completely under the control of Oliver Cromwell, turned its attention to other questions which also quite intimately concerned the future of the English Empire. On the Continent of Europe, Spain and France were still engaged in their protracted war, and each contestant was eager to turn the scales by an alliance with England. Spain's attitude toward the Commonwealth had been friendly, but Cromwell, in addition to his strong anti-Catholic prejudices, had inherited some of the Elizabethan antipathy to Spain. Furthermore, England had certain specific grievances. Spain refused to recognize the legality of England's position in the West Indies, and treated her ships as enemies, "though sayling to and from their owne plantations." [1] Moreover, the Spanish attacks upon the possessions of the Providence Island Company still rankled.[2] On the other hand, the French government was actively in sympathy with the royalist party. In consequence thereof, reprisals were undertaken, and while nominally at peace, in reality England and France were engaged in a bitter guerilla maritime war.[3] Despite this fact, Mazarin was using all the resources of skilled diplomacy in order to gain England's alliance. In 1654, he repeatedly called to Cromwell's attention the feasibility of attacking Spanish-America, and offered him French assistance in capturing Dunkirk and Mardyke from the Spaniards.[4]

[1] Thurloe I, pp. 759–763. *Cf.* Ludlow, Memoirs I, p. 384.

[2] Cal. Col. 1574–1660, pp. 375, 431. *Cf.* Commons Journal V, pp. 241, 347, 390, 391, 597.

[3] Whitelocke, Memorials, pp. 547, 569, 588, 589.

[4] Lettres de Mazarin (ed. Chéruel) VI, pp. 140, 157, 164.

Upon the conclusion of the Dutch war, while these negotiations were pending, and before any definite determination had been reached, Cromwell proceeded to seize possessions of both France and Spain.

During the course of the war an expedition had been planned to attack the Dutch colony of New Netherland. Massachusetts was not sufficiently in sympathy with this plan to give it adequate assistance;[1] the expedition was thus somewhat delayed,[2] and was ready only when the news of the conclusion of peace forced its abandonment. As was customary during the war of reprisals with France, the commander of this undertaking, Major Robert Sedgwick, had instructions to seize French ships.[3] He therefore determined to use his force, originally designed against the Dutch, in attacking the French colonies. Sedgwick was completely successful, and as a result of his efforts Nova Scotia was temporarily added to the English Empire.[4] France resented this action, but not to the extent of going to war, nor even of abandoning the scheme for an alliance with England.[5]

At the same time, while similar negotiations for an alliance with Spain were under way, a comprehensive attack on that country's American possessions was being planned. The intention of Cromwell and of his advisers was to drive Spain out of America, and if possible to add all her colonies to the

[1] Massachusetts decided "to forbeare the use of the sword," although the raising of 500 volunteers was permitted. Hutchinson, Massachusetts I, pp. 452, 453. See also Records of Mass. IV, Part I, p. 195.

[2] Thurloe I, p. 565; II, pp. 418–420; Cal. Col. 1675–1676, p. 89.

[3] Thurloe II, p. 418.

[4] *Ibid.* pp. 418, 582; Cal. Col. 1675–1676, pp. 88–90. [5] Thurloe II, p. 689.

English Empire.[1] This carefully prepared and comprehensive scheme miscarried. In 1655, the English were defeated at Hispaniola, and the sole result was the seizure of Jamaica, at the time only a sparsely inhabited and undeveloped island, but one of great natural resources.

In spite of the attack on the Spanish West Indies, it had been expected with some degree of assurance by Cromwell, that peace would be preserved in Europe.[2] But Spain bitterly resented the invasion of her cherished field, and war ensued. In order to strengthen England, in 1655 Cromwell concluded a treaty[3] with France, by which the fierce guerilla warfare was ended; and two years later a further treaty[4] provided for joint military operations on the part of England and France against Spain. According to the treaty

[1] Thurloe III, pp. 59–62; IV, pp. 633, 634; Carlyle, *op. cit.* III, pp. 90–93; Clarke Papers III, p. 204; Venables, Narrative, p. 111. In 1656 Spain was urged, evidently by an English royalist, to declare war on England. "The King of Denmark and the Hollanders," it was said, "would undoubtedly do the like, being both dissatisfied with the peace they lately contracted, and they say that if Cromwell be successful against your Majesty in the Indies, not only they but all Europe would be ruined in their trade, and therefore in good policy all Christian Princes ought to join against Cromwell's designs." H.M.C. XIII, Portland MSS. I, p. 679. In a strongly Puritan pamphlet, written in 1655, it was stated that by this expedition, "there was Nothing less aimed at, than God's Glory and Establishment of the Gospel, nor Nothing more coveted, than Gain to themselves, and Establishment in the rich Possessions of others." The writer further said that "divers conscientious Men, who preferred the Service of God, before that of Men, and Treasure in Heaven, beyond Riches and Honour on Earth, scrupled the Design, and deserted the Service." A brief and perfect Journal of the late Proceedings (London, 1655), in Harleian Misc. III, p. 487.

[2] Clarke Papers III, p. 205. [3] Dumont *op. cit.* VI, Part II, p. 121.

[4] *Ibid.* p. 224; Guizot, La Révolution d'Angleterre IV, pp. 597–605.

of 1657, Dunkirk and Mardyke were to be besieged and, when captured, were to be handed over to England. It was realized that the possession of such a continental port would be "a bridle on the Dutch," and that it would greatly facilitate the development of English commerce.[1] While this alliance with France was nominally directed against Spain, in a deeper and truer sense it was aimed against the Dutch republic. Economic opposition to the Dutch was a fundamental note of Cromwell's foreign policy. By the capture of Dunkirk and its outpost Mardyke, England became once more a continental power, and was in a position seriously to menace Dutch commercial supremacy. That nation fully realized this fact, and at various times seemed ready to try to thwart Cromwell by resorting to war.[2]

The English and Dutch economic antagonism manifested itself also in the Baltic. Here Cromwell's aim was to frustrate the Dutch attempts to acquire special advantages in obtaining naval stores, and also to prevent either Denmark or Sweden from securing complete control of the source of supply of these indispensable commodities. This, England claimed, was "too great a Treasure to be entrusted in one hand." [3] Cromwell was able to attain this end. By the treaty of 1658, Denmark ceded to Sweden her provinces on the Scandinavian side of the Sound, and hence was no longer able to dominate this important trade-route.

[1] Thurloe I, p. 761; Bischoffshausen, Die Politik des Protectors, pp. 187 *et seq.;* Somers Tracts VI, pp. 329–336; Eng. Hist. Rev. XI, pp. 484, 485; Ludlow, Memoirs II, p. 96. [2] Lettres de Mazarin VIII, pp. 365, 366.

[3] Sir Philip Meadowe, A Narrative of the Principal Actions (London, 1677), p. 58.

The vigorous imperialism[1] of the Cromwellian era was fundamentally due to a keen desire to develop English sea power and commerce, whose growth was hampered by Dutch competition. Colonization was favored as a means of accomplishing both of these ends; and hence the commercial and colonial policies of the age were most closely connected. There was little, if any, change in the economic theory of colonization that had been current under the Stuarts; but a fuller knowledge of America's resources made it apparent that the anticipated advantages would be more apt to be realized if the current of expansion were deflected from the north toward the tropics. The colonies were still primarily valued as sources of supply. Those founded upon the American continent had, however, in this respect not realized the hopes of their projectors. While large quantities of tobacco were imported from Virginia and Maryland, there still lingered in England considerable of the Stuart moral antipathy to this commodity, and its consumption continued to be deemed economically wasteful.[2] From the more northerly colonies, England obtained but scant supplies. Originally it had been confidently expected that New England would free the mother country from the dangerous necessity of purchasing naval stores from the Baltic countries. These sanguine anticipations had proven illusory;

[1] During the English civil war, Eleuthera, one of the Bahamas, was occupied by settlers from the Bermudas, and was subsequently taken under England's jurisdiction by Parliament. Commons Journal VI, pp. 270, 283, 284, 288; Lefroy I, p. 655; II, pp. 10 *et seq.;* Winthrop Papers III, pp. 340–342.

[2] *Cf.* Cal. Dom. 1651–1652, p. 263.

with the exception of some New England masts,[1] nothing was obtained, and England was still forced to purchase these commodities from the Baltic. Owing to the special privileges conceded in 1649 by Denmark to the United Provinces, and to the alliance of these two states during the Anglo-Dutch war of 1652 to 1654, this source of supply became precariously uncertain. Consequently renewed efforts were made to procure these indispensable products from New England.[2] In 1653 the English government shipped a considerable quantity of manufactures to these colonies, where their proceeds were to be used in purchasing tar and other naval stores.[3] As a result, some of the desired commodities were procured.[4] New England could not, however, compete on equal terms with the Baltic, nor could England afford

[1] Cal. Dom. 1649–1650, p. 317; *ibid.* 1651, p. 507; *ibid.* 1653–1654, pp. 163, 253, 317, 375, 376, 523, 557.

[2] In 1652, an able writer on economic topics suggested that England add to her colonial possessions, partly in order "that wee may the better provide our selves of Canvas for Sailes, Masts, Timber, with all other things necessary for shipping within our own Dominions." Henry Robinson, Certain Proposalls (London, 1652), p. 11.

[3] On Feb. 4, 1653, the Council of State ordered that the magistrates of New England be notified that they should provide 10,000 barrels of tar at reasonable prices. An agent of the government was to contract for this tar and for "goods of all sorts belonginge unto shippinge," and was to pay for them either in merchandise sent from England, or by bills of exchange. In addition, it was decided that 150 or 200 youths should be sent to New England, "to be lett out unto severall persons who may pay in tarre for the tyme of their servise or be ymployed as the States serv^ts in makinge of tarre cuttinge & trimminge of masts & other things necessary." For these purposes £10,000 was appropriated. Interregnum Entry Book I 39, pp. 13–15.

[4] Col. Pap. LXIV, 2; Cal. Col. 1574–1660, pp. 391, 392, 396, 399; *ibid.* 1675–1676, pp. 87, 88. See also Cal. Dom. 1652–1653, pp. 167, 471, 508.

artificially to stimulate this colonial industry by heavy bounties without seriously handicapping herself in the commercial struggle with the Dutch. Consequently, as the treaty with Denmark in 1654 and subsequently Cromwell's successful interference in the quarrels of the Baltic states assured to England free access to the European source of supply, it became again apparent that New England was of but slight economic importance to the Empire.[1] On the other hand the West Indies, where the sugar industry had become firmly established during the preceding decade, were supplying England not only with increasing quantities of this commodity, but also with other valuable products. The advantages of tropical colonization and the acquisition of exotic products were realized, and this realization led directly to Cromwell's vast scheme of driving Spain out of America. One part of the plan was to people the colonies seized from Spain with settlers from New England.[2] On account of its rigorous climate, Cromwell thought that New England could be only a temporary refuge for the Puritans, and planned a more or less general removal of its population to Jamaica.[3] The attempt was made, but met with serious

[1] Some masts, however, still continued to be imported from America. Cal. Dom. 1654, p. 584; *ibid.* 1655, pp. 415, 421, 438, 454, 483; *ibid.* 1655, pp. 415, 476, 483, 489, 502; *ibid.* 1656–1657, pp. 461, 496; *ibid.* 1657–1658, p. 544. In 1658, it was urged that the establishment of adequate banking facilities in England would enable "ships to be built in *New England*, as good, or better than any built in Holland, to carry goods for as little freight, and will also encourage the making materials for shipping there." Lambe, Seasonable Observations (London, 1658), p. 3.

[2] Clarke Papers III, p. 205.

[3] For the details of this plan, see Frank Strong, A Forgotten Danger to the New England Colonies, in Am. Hist. Ass. Report for 1898.

opposition as the New Englanders were not dissatisfied with their lot, and consequently it miscarried entirely.[1]

In order to overcome the Dutch economic supremacy, it was realized that it was necessary to develop the English

[1] Thurloe IV, pp. 130, 634; V, pp. 6, 7, 510; Cal. Col. 1675–1676, p. 101; Carlyle, Cromwell III, pp. 89–93; Memorials of Sir William Penn II, pp. 585–589; H.M.C. XIII, Portland MSS. I, p. 679; Winthrop Papers I, pp. 115, 116; Rawlinson MSS. (Bodleian), A 38, 267; A 43, 125. In 1655 the English government sent Daniel Gookin to New England to induce the people to remove to Jamaica in convenient numbers in order to enlighten those parts "by people who know and fear the Lord," and in order that those who had been "driven from the land of their nativity into that desert and barren wilderness for conscience' sake may remove to a land of plenty." Cal. Col. 1574–1660, pp. 429, 430. In 1656, John Leverett wrote to Governor Endicott that Cromwell was intent upon their removal, and had told him "that he did apprehend the people of New-England had as clear a call to transport themselves from thence to Jamaica, as they had from England to New-England, in order to their bettering their outward condition, God having promised his people should be the head, and not the tail." Leverett replied that while great riches were not obtainable in New England, "yet, take the body of the people, and all things considered, they lived more comfortably like Englishmen than any of the rest of the plantations." Hutchinson, Mass. I, p. 176 n. During the economic crisis of 1639 and 1640, there had been a spontaneous movement of emigration from Massachusetts to Providence Island. *Ibid.* I, p. 94; Johnson, Wonder-Working Providence, p. 171. In this connection, Winthrop said: "Many men began to inquire after the southern parts; and the great advantages supposed to be had in Virginia and the West Indies, etc., made this country to be disesteemed of many." Winthrop, under date of March 21, 1639. In 1649, a writer said that New England was in good condition, but with the exception of fishing, promised only little for the future. "It was great pittie," he added, "all those people being now about twenty Thousand, did not seate themselves at first to the *South* of *Virginia*, in a warme and rich Countrey, where their Industrie would have produced *Sugar*, *Indico*, *Ginger*, *Cotton*, and the like Commodities." A Perfect Description of Virginia (London, 1649), p. 12, in Force II, no. 8.

mercantile marine.[1] With this object in view, the policy of the early navigation acts was adopted, and was embodied in two comprehensive measures. As has been already pointed out, on October 3, 1650,[2] Parliament passed an act forbidding the rebellious colonies to have "any maner of Commerce or Traffique with any people whatsoever," and also prohibiting all commercial intercourse with them. In addition to this punitive clause, the act contained a provision of more permanent character, by which all foreign ships were forbidden "to come to, or Trade in, or Traffique with" any of the English colonies in America, unless license had first been obtained from Parliament or the Council of State. It was stated in the act that this provision was designed to prevent enemies of the established government in England from being carried to the colonies. It would thus appear to have been of a political character, but in reality it was of a commercial nature, and was designed to oust the Dutch from the English colonial trade, and to secure a monopoly thereof to the national shipping.[3]

A year after the enactment of this measure, on October 9,

[1] The prevailing opinion was expressed by a contemporary writer, who said: "That what Nation soever can attaine to and continue the greatest Trade, and number of shipping, will get and keepe the Soveraignty of the Seas, and consequently the greatest Dominion of the World." Henry Robinson, Briefe Considerations (London, 1649), p. 1. In 1650, a petition was presented to the government, complaining that the merchants used foreign shipping when English vessels were available. Cal. Dom. 1650, pp. 20, 59.

[2] Scobell II, pp. 132–134.

[3] Ships seized for violating this act were to be tried in the admiralty court.

1651,[1] was passed the famous Navigation Act, whose design was still further to protect English shipping from Dutch competition. This comprehensive statute provided that: (1) no goods of the growth or production of Asia, Africa, or America could be imported into England, Ireland, or the colonies, except in English-owned and English-manned ships; (2) no European goods could be imported into England, Ireland, or the colonies, except in English shipping, or in such as belonged to the place of production or to the port whence they were usually shipped for transportation; (3) no foreign goods could be imported in English shipping, but from the place of production or from the usual port of first shipment; (4) no salted fish, fish oil, or whale fins could be imported unless it had been caught in English vessels, and no fish could be exported from England or its dominions except in English shipping;[2] (5) the English coasting trade was completely reserved to vessels entirely owned by Englishmen. The specific purpose of this act was to develop the English fishery and mercantile marine by prohibiting the importation of fish caught by

[1] Scobell II, pp. 176, 177. See Commons Journal VII, pp. 2, 4, 7, 11, 15, 19, 26.

[2] As has already been pointed out, the export of herrings in alien ships was forbidden during the reign of Charles I. In 1649, after Charles's execution, a petition from Yarmouth for exemption from this regulation was rejected. H.M.C. VIII, 1, p. 247[a]. In 1656, certain kinds of fish were allowed to be exported from England in foreign bottoms, and in addition it was provided that it shall be lawful for any persons whatsoever "to Buy and Transport out of Newfoundland or New-England, or any of the Ports thereof, any sorts of Fish whatsoever, without paying any Custom, or other duty for the same." Scobell II, pp. 477, 478; Commons Journal VII, pp. 451, 500.

foreigners, and by diverting England's import trade from Dutch to national shipping. Only very indirectly did this act in any way affect the colonies, as it was far less comprehensive in its scope than was the measure of the preceding year. The act of 1650 absolutely prohibited all foreign ships from going to the English colonies; hence nothing could be exported or imported but in English shipping. Had the statute of 1650 not been in force, foreign vessels would have been able, under certain conditions, to trade with the colonies without violating the act of 1651.

Owing to the incorporation of the provision prohibiting foreign ships from trading to the colonies in a statute whose avowed purpose was to punish the rebellious colonies, it was contended at the time by some that the entire act was no longer in force after these communities had submitted to Parliament. By the terms of surrender Barbados was guaranteed "as great freedom of trade as ever." Similarly, Virginia's articles of surrender provided that the colony should have free trade to all places. These clauses did not run counter to the measure prohibiting foreign ships from trading to the colonies, although both Barbados [1] and Virginia [2] asserted that they did. Others also seem to have thought that the act of 1650 was only temporary in character.[3] On the other hand, both before and after the submission of the royalist colonies, the English government

[1] Brit. Mus., Add. MSS. 11,411, folios 3, 4.

[2] In 1660 the Virginia legislature stated categorically that, under the terms of surrender, foreign ships were allowed to trade in the colony. Hening I, pp. 535, 536. See also Bruce, Economic History of Virginia I, p. 353 n.

[3] See *post*, p. 389, n. 2.

consistently held that by the act of 1650 foreigners were excluded from the colonial trade.

In response to the complaints of its merchants,[1] the United Provinces on several occasions during the abortive negotiations of 1650 to 1652 tried to obtain permission to trade to the English colonies.[2] The Council of State, however, firmly refused compliance,[3] and ultimately the Dutch were compelled to acquiesce in their exclusion from the English colonial trade.[4] Other nations were forced to do likewise.

[1] N. Y. Col. Doc. I, pp. 436, 437.

[2] Thurloe's account of Anglo-Dutch relations, printed by C. H. Firth in Eng. Hist. Rev. XXI, pp. 321, 322. Thurloe said that the Dutch wanted permission to "Trade to all our Countries and plantations in America, and els where with out any difference of people." See also the secret resolutions of the States General of Nov. 23, 1651, in N. Y. Col. Doc. I, p. 437. *Cf.* H.M.C. XIII, Portland MSS. I, p. 605.

[3] In response to the Dutch demand, the Council of State said that Englishmen had always been forbidden to trade in the Dutch colonies and had acquiesced therein, and as for the Dutch trading "to any of the English plantations it is forbidden by the late Act for Encrease of the Navigation of this Nation, from which we thinke not fit to recede." N. Y. Col. Doc. I, pp. 486, 487. It is not clear why this reply based this prohibition on the act of 1651, and not on that of 1650. The Secretary of the Council of State, John Thurloe, who was intimately conversant with the details of the negotiations, said that the Dutch wanted liberty to trade to the English colonies, and consequently complained "against 2 Acts, the one prohibiting Foreiners trading into the said Islands and plantations, the other made for the encrease of shipping and navigation." Eng. Hist. Rev. XXI, p. 325.

[4] Thurloe says that finally, evidently in 1654, a treaty was concluded which provided that "the Dutch cannot trade to the English Islands and plantations out of Europe, nor can the English trade to theires." Eng. Hist. Rev. XXI, pp. 322, 323. In protesting against the seizure in 1655 of a number of Dutch vessels at Barbados for violating the act of 1650, the Dutch ambassador in England contended that this act had been nullified by the terms under which Barbados had surrendered. He was answered that by act of

With the object of effecting an alliance with Sweden, which it was expected would secure unrestricted access to the Baltic, Bulstrode Whitelocke was sent on an embassy to Queen Christina.[1] One of the stumbling-blocks was England's exclusion of foreign ships from the colonial trade. The eccentric Queen shrewdly asked Whitelocke "why the Baltic Sea was named as to free navigation and not other seas likewise," and if Cromwell "would consent to the freedom of navigation in America." [2] This matter was not regulated in the Anglo-Swedish commercial treaty of 1654,[3] but the supplementary agreement of 1656 stipulated that, despite the fact that foreigners were prohibited from trading to the English colonies, Cromwell would grant licenses to such Swedes as should apply to him, provided they had letters of recommendation from their King.[4] This policy of exclusion was likewise specifically recognized in the Anglo-Danish treaty of 1654.[5]

Thus this measure received international recognition. Furthermore, the English government consistently enforced it, to the extent that it was possible and judicious. The fleet sent to reduce Barbados seized a considerable number of foreign vessels trading there.[6] Shortly after the rendi-

Parliament, such commerce was forbidden. Thurloe III, pp. 158, 254, 749; IV, pp. 17, 214, 258, 259; Venables, Narrative (ed. Firth), p. 10.

[1] Whitelocke, Journal I, pp. 89, 372.

[2] *Ibid.* II, pp. 21, 30, 50, 102; Thurloe II, p. 157.

[3] Dumont VI, Part II, pp. 74–77.

[4] *Ibid.* pp. 125–127. For some information on wording of this clause, see Interregnum Entry Book I77, p. 193. [5] *Dumont* VI, Part II, p. 92, art. iii.

[6] There were fifteen in all, mainly Dutch, of which twelve were taken. Two other foreign vessels arriving subsequently were also seized. Cal. Col. 1574–

tion of the island, some more Dutch ships also were taken.[1] During the period of transition from free admission of foreigners to their exclusion, it was impossible to execute this policy without inflicting considerable hardship. Thus, on October 8, 1652, Daniel Searle, the Governor of Barbados, wrote to the Council of State that the trade of the colony had been mainly in Dutch hands, and that the late act of Parliament[2] "hath in a greate measure taken them off from it, soe that at first the Iland not haveing binne long since reduced & but ffew shipps of our Nation as yet come hither, theare is some scarcity and want of comodities."[3] Consequently the laws were not strictly enforced by the

1660, pp. 362, 364; Whitelocke, Memorials, p. 498. *Cf.* Cal. Dom. 1652–1653, pp. 50, 498, 503, 507. In 1651, the States General wrote to Parliament, complaining that a Dutch vessel returning from the Virgin Islands with a cargo of tobacco, had been seized and taken to Yarmouth, although this vessel had sailed from Europe six months before the act of 1650 had been passed. H.M.C. XIII, Portland MSS. I, p. 609. For a similar Dutch petition, see *ibid.* p. 617. On July 1, 1651, the Council of State ordered the release of such a vessel that had begun its voyage before the passage of the act. Cal. Dom. 1651, p. 277. On Nov. 19, 1650, Hamburg also wrote to Parliament asking in general that the trade to the English colonies be allowed, and in especial that several of their ships already laden for Barbados and the other islands might proceed on their voyages. H.M.C. XIII, Portland MSS. I, pp. 542, 543.

[1] Cal. Col. 1574–1660, pp. 374, 380.

[2] He specifically said "the late Act of Parliament for the Encrease of the Navigation & trade of our Nation," referring to the act of 1651, and being evidently under the impression that the act of 1650 was no longer in force. This illustrates the confusion referred to above. See *ante*, p. 386.

[3] Col. Pap. XI, 68. In its protest against the act of 1650, Barbados stated that the Dutch sold their commodities "a great deal cheaper" than the English, and that without this Dutch trade it would be difficult to develop the colony. Poyer, Barbados, p. 55.

colonial authorities.[1] When the West Indian expedition of 1655 came to Barbados, Admiral Penn found fifteen foreign vessels there, which he seized.[2] These ships were all condemned specifically for violating the act of October 3, 1650.[3] At this time also, some foreign vessels were seized

[1] Thus the captains of two Dutch ships, seized at Barbados in 1655 by Admiral Penn, asserted that the Governor had given them permission to trade. Col. Pap. LXIV, 7 ii, iii.

[2] Cal. Col. 1675–1676, pp. 91, 92. Subsequently another vessel was seized. *Ibid.* pp. 94, 95. These sixteen ships, with the exception of a few from Copenhagen and Hamburg, were Dutch. Col. Pap. LXIV, 7 i–xv. The appraised value of these prizes was £3203. *Ibid.* 13 i–xvii. In a letter dated Jamaica, July 14, 1655, it was stated: "In time of our fleet lying in Barbados they took many Dutch ships and made them prize. How the States of Holland will take it I know not, but we have made no breach of faith, for by the Articles they were not to trade with any of the English plantations in America." H.M.C. VII, 1, p. 572. In 1655, Charles II's Secretary of State, Sir Edward Nicholas, wrote: "I wonder what the Dutch say about their ships taken by Penn at the Barbadoes; it will destroy their traffic in those parts. Cromwell intends to make the trade of the United Provinces inconsiderable, and subservient to him." Cal. Dom. 1655, p. 174. On these seizures, see also Clarendon, History of the Rebellion (ed. Macray), VI, pp. 6, 7; Harleian Miscellany III, p. 491; Brit. Mus., Egerton MSS. 2395, folio 60; Lambe, Seasonable Observations (London, 1658), p. 3.

[3] The commanders of the West Indian expedition were given special instructions by Cromwell, under date of Dec. 23, 1654, to seize foreign ships violating this specific act. Penn issued similar instructions to the captains of the fleet. H.M.C. XIII, Portland MSS. II, p. 89. On March 1, 1655, Venables, Penn, and Winslow likewise appointed prize commissioners to condemn these seizures if it were found that they had violated the act of 1650. Col. Pap. LXIV, 8 and 9; H.M.C. XIII, Portland MSS. II, p. 90. Similarly, one clause in the instructions issued on Oct. 10, 1655, to Captain William Goodson, commander of the squadron in America, was "to seize all ships trading contrary to the Act of Parliament of 3 Oct. 1650." Cal. Col. 1675–1676, p. 99. For similar instructions to another naval officer, see Thurloe III, p. 754. *Cf.* also *ibid.* III, p. 565. Occasionally such seizures

at St. Christopher.[1] Three years later, in 1658, Captain Myngs seized six alleged Dutch vessels at Barbados, and took them to Jamaica for condemnation. The Commander-in-Chief, Colonel D'Oyley, acting with the advice of his subordinate officers, decided that these ships were good prize,[2] but that the Jamaica Admiralty Court had no authority to try them.[3] Accordingly the matter was referred to England, where the cases came before the Admiralty Court, which condemned only one of them.[4]

It is impossible to estimate accurately to what extent the law was enforced. Condemnations for violation of a law are proof both of its evasion and of its enforcement. Seizures were evidently made sporadically,[5] and their frequency was dependent upon the absence or presence of ships of the

were referred to as in violation of the acts of 1650 and 1651. Cal. Col. 1675–1676, pp. 94, 95; Thurloe III, p. 249.

[1] H.M.C. VII, 1, p. 572.

[2] On the ground that they had violated the act of 1651.

[3] Col. Pap. XXXIII, 51; Cal. Col. 1675–1676, pp. 120, 121, 126. The act of 1651 provided for the trial of such seizures by a court of record. Myngs said that in Jamaica there was "not so much as a court of record under which all these Vessels would have come." Col. Pap. XXXIII, 51.

[4] Only five cases came before the court. Three ships were released, and one case was referred back to the Council of State. Col. Pap. XIII, 49; Cal. Col. 1574–1660, p. 467, nos. 47, 49; Cal. Dom. 1658–1659, pp. 57, 107, 112, 122, 123, 226; *ibid.* 1659–1660, p. 291. Captain Myngs had seized these vessels for violating the act of 1651. In his account of each case, he alleged that their cargoes were not the product of Holland, that their nationality was doubtful, and that their crews were not the major part English. In only one case was it distinctly asserted that the vessel was Dutch. Hence the proceedings could not be based on the act of 1650. Col. Pap. XXXIII, 51.

[5] In 1657 mention is made of three Dutch vessels that had been seized for trading to the English colonies. Cal. Dom. 1656–1657, pp. 20, 252.

navy. But the very fact that so large a number of foreign ships were seized must have deterred the Dutch from freely trading to Barbados. This is also clearly indicated by the fact that Barbados complained against the policy of excluding foreigners.[1] The planters contended that the colony was guaranteed free trade by the articles of its surrender; that the English merchants had them at their mercy; and that in former times they had found great relief by trading with foreigners, and had purchased their slaves, horses, and provisions "cheaper by more than one halfe of ye present prices."[2] In reply, the English merchants stated that it was "wholly contrary to y^e^ vse and practice of y^e^ Collonies of other Nations; it being death and Confiscacõn to touch y^e^ shoares (though for fresh water) of their Plantacõns. That therefore y^e^ English ought to vse y^e^ same Pollicies for y^e^ better ballancing of Trade." They added that if such foreign trade were permitted, the English colonies would become the treasure of other nations, and that the English customs revenue, merchant marine, and manufacturing industry would be injured.[3]

[1] On Dec. 11, 1659, Barbados petitioned Parliament for a repeal of the act of Oct. 3, 1650. Brit. Mus., Egerton MSS. 2395, folio 182.

[2] Brit. Mus., Add. MSS. 11,411, folios 3, 4. This is confirmed by Captain Butler of the navy, who, in a despatch from Barbados in 1655 said that the English merchants were generally great extortioners, and who urged "the necessity of allowing forreigne commerse, which can be noe way prejudicial, imposing upon them double custom to be paid in our English plantations in these parts." Oliver, Antigua I, p. xxii; Thurloe III, p. 142.

[3] Brit. Mus., Add. MSS. 11,411, folios 3, 4. The planters stated that under the existing system, they could "only looke for their supplyes from home, all other Nations being w^th^held from corresponding w^th^ them." *Ibid.* folio 9.

In the other West Indian colonies, less is heard of seizures for violations of the acts of 1650 and 1651.[1] In 1655, in connection with the proposed attack on the Spanish colonies, several ships were detached from the main fleet "to raise men, and seize all strangers shipps trading with the Leward Islands under the English government." Two Dutch ships and two Dutch shallops were seized at Montserrat,[2] and at this time also some foreign vessels were captured at St. Christopher. In these islands, even to a greater extent than in Barbados, owing to the fact that vessels of the navy rarely came to them, the admission of foreign traders depended largely upon the will of the Governor.[3] Thus in 1659, a petition against the Governor of St. Christopher asserted that "the Dutch have been allowed to engross the trade of the island, to the discouragement of the English."[4] On the other hand, in 1656, Governor Kaynell, of Antigua, complained that the "prohibition of foreign trade has prevented the arrival of considerable supplies expected;"[5] and in this connection it was suggested

[1] A petition from the master of a Swedish vessel recounts that his goods were seized by the Governors of Montserrat, Nevis, and St. Christopher, although he had license to trade with these islands. Cal. Col. 1574–1660, p. 420.

[2] Oliver, Antigua I, p. xxv; Thurloe III, p. 574.

[3] In 1655, two Danish ships were seized at Plymouth for trading with Nevis and St. Christopher, although they had permission from the Governors of these islands. Cal. Col. 1574–1660, p. 422. These vessels were subsequently released by order of the Council of State. *Ibid.* p. 423; Cal. Dom. 1655, p. 79.

[4] Cal. Col. 1574–1660, p. 473. *Cf.* Brit. Mus., Egerton MSS. 2395, folio 105. There was also some Dutch trade at Montserrat. *Ibid.* folio 54.

[5] Cal. Col. 1574–1660, p. 439.

"that if the Norweeses and other straingers may be suffered to Trade and supply their respective plantacons upon that Island it will prove a great furtherance to the settlement of the same." [1] This suggestion, however, did not commend itself to the English government.[2] Such a complaint indicates at least a partial compliance with the law. In the Bermudas, the company consistently opposed the admission of foreigners to the trade of the colony, but was not able fully to enforce its monopolistic privileges.[3]

In the continental colonies, the exclusion of foreigners depended primarily upon the local authorities, as vessels of the navy rarely appeared in their harbors. On the passage of the act of 1650, Virginia complained bitterly both of its punitive and of its other features. Governor Berkeley asserted that the Londoners "would faine bring us to the same poverty wherein the Dutch found and relieved us; would take away the liberty of our consciences and tongues, and our right of giving and selling our goods to whom we please." [4] At the same time the legislature and Governor declared that the act was due to "the Avarice of a few interested persons, who endeavour to rob us of all we sweat and labour for." [5] A few years thereafter, probably in 1656, it

[1] Col. Pap. XII, 68 ii.

[2] Report of the Committee of Trade and Navigation, May 2, 1656. Col. Pap. XII, 68 iii.

[3] This is clearly shown by the shipping lists of the colony. Lefroy I, pp. 715, 726–729. In 1651, the colonial authorities allowed a Dutch vessel to trade, alleging that on account of the act of Oct. 3, 1650, the regular supplies had not arrived, and that in consequence there was great scarcity. *Ibid.* I, pp. 671, 672; Cal. Col. 1574–1660, p. 370.

[4] Va. Mag. I, p. 76.

[5] *Ibid.* pp. 78 *et seq.*

was stated that since the exclusion of the Dutch, the Virginia planters had suffered greatly, and that during the preceding years a portion of their tobacco could not be transported to Europe on account of insufficient shipping, and in consequence had spoiled.[1] That the law was, if not fully, at least partially enforced, is also indicated by other facts. In 1653, a Flemish ship of Dunkirk, the *Leopoldus*, was seized and condemned in Virginia, for violating the act of 1651.[2] This was evidently only one of a number of similar instances, for in 1660 the Virginia legislature declared that of late years many vessels had seized diverse foreign ships trading in the colony.[3]

There were unquestionably some violations of the law,[4] but, on the other hand, it was certainly enforced to an extent causing serious complaints. In part, at least, the seizures

[1] Hazard, Collections I, pp. 599–602; Thurloe V, p. 80.

[2] Hening I, pp. 382, 385; Va. Mag. I, p. 141; III, p. 310.

[3] *Ibid.*, pp. 535, 536. In Nov., 1654, the Assembly granted to the Governor 100,000 pounds of tobacco, "arising out of the Dutch prizes and confiscation of forrain goods and ships, as by the accounts in the Assembly appears." *Ibid.* p. 393. This may have referred solely to seizures made during the Anglo-Dutch war. For such a prize, see Cal. Col. 1675–1676, p. 88.

[4] Hening I, pp. 469, 512, 513; William and Mary College Quarterly I, pp. 184, 185; Records of New Amsterdam I, p. 229. On Jan. 2, 1655, the owners of the ship *Charles* petitioned Cromwell, stating that "there are usually found intruding upon the plantation (Virginia) diverse ships, surreptitiously carrying away the growth thereof to foreign parts," and requesting that a commission be granted to the captain of the *Charles* to "surprize such ships and vessels as he shall fynd trading at the said plantac̃on contrary to y^e^ lawes and constitutions aforesaid and as is expressed in an Act of Parliam^t^ of the 3. October 1650." The petition then recited the clause in this act, forbidding foreign ships to trade to the English colonies. Col. Pap. XII, 33.

seem to have been made by private parties, for the Virginia government was evidently opposed to the policy of exclusion. In 1655, the legislature somewhat ambiguously declared that "all ffreedom of trade shall be maintained, and all merchants and traders shall be cherished." Five years later, during the period of anarchy intervening between the downfall of the Protectorate and the reëstablishment of the monarchy in England, Virginia directly impugned the validity of these parliamentary measures. A treaty was concluded with New Netherland, by which mutual commercial intercourse between the two colonies was permitted.[1] In addition, during the month of March, 1660, the legislature passed an act which, after reciting the terms of Virginia's surrender in 1652, obligated the master of every vessel arriving to give a bond not to molest any other ship whatsoever within the jurisdiction of the colony.[2] Furthermore, at the same time the Assembly declared that "the Dutch and all strangers of what Xtian nation soever in amity with the people of England shall have free liberty to trade with us, for all allowable commodities." [3]

[1] J. R. Brodhead, New York I, pp. 682–684; E. B. O'Callaghan, New Netherland II, pp. 408, 413, 414; William Smith, New York, p. 11; N. Y. Col. Doc. II, p. 60. In 1653 an attempt had been made by New Netherland to conclude a similar treaty, but Governor Bennett of Virginia refused to do so without authorization from England. O'Callaghan, *op. cit.* II, p. 235; Va. Mag. I, p. 141.

[2] Hening I, pp. 535, 536.

[3] *Ibid.*, p. 540. It cannot be ascertained to what extent this exclusion was enforced in Maryland, but in all probability very little was accomplished on account of the disturbed condition of the colony. In 1659, however, after the reëstablishment of the proprietor's authority, the Governor ordered the

Similarly, but to a more conspicuous degree, New England paid virtually no attention to the measure excluding foreign vessels.[1] Free admission was allowed to ships of all nations in amity with England.[2] The attitude of these colonies is illustrated by several significant episodes. At about the beginning of the year 1655, Captain Leverett seized a Dutch vessel trading in Massachusetts.[3] This action aroused the colonial authorities to intense indignation. After investigating the case, the legislature voted that such actions, "w$^{th}$out the consent or allowance of authoritje heere established," infringed upon the liberties

seizure of a Dutch vessel for violating the Navigation Act of 1651. This vessel had laden in Amsterdam French brandy, wine, canvas, and silks, which were "goods not of the Growth of Holland," and hence the vessel and cargo were liable to seizure. Archives of Maryland Council, 1636–1667, pp. 360–362, 383, 384.

[1] During the Anglo-Dutch war, the Commissioners of the United Colonies of New England even deemed it necessary to pass an order prohibiting Dutch vessels from coming into any of their ports. Hazard II, pp. 287, 288; Records of New Plymouth, United Colonies II, p. 93. Specific acts to the same purpose were passed by the separate legislatures and were subsequently repealed after peace had been concluded. Records of Mass. IV, Part I, p. 197; Records of Rhode Island I, pp. 261, 356; Records of Conn. I, p. 261. As a war measure also, Massachusetts in 1653 prohibited the sale of provisions to the Dutch and French colonies. Records of Mass. IV, Part I, pp. 120, 121.

[2] Hutchinson, Mass. I, pp. 174, 175, 179, 180. In this connection it should also be noted that in 1656 an act of Parliament allowed foreign ships to export fish from Newfoundland and New England. This, to some extent, nullified the act of 1650, in so far as it concerned these colonies. Scobell II, pp. 477, 478.

[3] On Jan. 23, 1655, Roger Williams wrote to John Winthrop, Junior: "We heare from the Bay that Capt. Leveret tooke a Dutch ship lately upon the Act for Trade: whether jt be for that or words, he js bound to appears at the Gen: Court." Winthrop Papers I, pp. 292, 293.

of Massachusetts and tended to destroy its well-being. As Leverett expressed contrition for his action and protested his fidelity to Massachusetts, he escaped punishment severer than censure and admonition.[1]

Moreover, in 1657, the Rhode Island legislature declared that "the Dutch may have lawfull commerce with the English in this Collony, correspondent to the peace in beinge betweene the two nations."[2] At this time some attempts were made to interfere with the Dutch traders, and in 1658 the legislature voted that no one should seize any Dutch goods or vessels in Rhode Island, unless authorized to do so by "an express and especiall commission from the State of England," or by "the law-makinge Assembly of this Collonie."[3] Connecticut also ignored the parliamentary measures. In 1659 some members of the crew of a vessel at New Haven went to Southampton and seized a Dutch sloop trading there.[4] This seizure led to considerable difficulties, and the exact course of events is not clear.[5] The attitude of the Connecticut authorities is, however, quite plain. In response to complaints from New Netherland, on March 27, 1660, Governor Winthrop wrote to

[1] Records of Mass. IV, Part I, p. 229. *Cf. ibid.* p. 234; Part II, pp. 380, 386, 387.

[2] Records of Rhode Island I, p. 356.

[3] *Ibid.* p. 389.

[4] In this connection, on Dec. 12, 1659, John Winthrop, Junior, wrote to John Richards: "If you have any coppy of that act that concernes that case of restraint of the Dutch trading, or the articles y^t^ were agreed betweene the 2 states I would pray a few lines thereof, as farr as may concerne this case." Winthrop Papers IV, pp. 55–57.

[5] *Ibid.* pp. 385–387.

Stuyvesant: "We have not hitherto suffered any veiolt molestation to any of yours in our harbours or Jurisdiction," but we have endeavored to maintain a neighborly friendship. Nor does there appear any cause, he continued, for questioning whether or not the Dutch and English are debarred mutual intercourse by the act of Parliament; "we have not in our Colony any orders to the contrary." [1]

In addition to the laxity of the colonial authorities in enforcing this policy of exclusion, the English government in exceptional instances granted licenses to foreign vessels to trade in the colonies. The records show that in 1651, the Council of State granted such permission to two Dutch ships and to one of Hamburg.[2] On several occasions a French vessel of Dieppe received a permit of this nature.[3] Such licenses were also issued to other vessels,[4] but apparently only very rarely.

The chief instrument used to enforce this policy was the navy, which seized many ships in the West Indies. In addition, there are on record instances of a number of seizures in waters adjacent to England of foreign vessels returning from the colonies.[5]

This policy of excluding foreign shipping from the colonial trade was based upon entirely different motives from those actuating Charles I, when he adopted a similar meas-

[1] N. Y. Col. Doc. XIV, p. 459. [2] Cal. Dom. 1651, pp. 53, 261.

[3] Cal. Col. 1574–1660, pp. 398, 436, 460.

[4] For such instances, see *ibid.* pp. 399, 420; Cal. Dom. 1651–1652, pp. 53, 54.

[5] Cal. Col. 1574–1660, pp. 422, 423. In 1654 a French vessel returning from Barbados was seized and brought to Portsmouth. Cal. Dom. 1654, pp. 31, 145, 178.

ure. The primary purpose of the acts of 1650 and 1651 was to further the development of English sea power, and it was with this object in view that foreign vessels were debarred from trading to the colonies.[1] On the other hand, the Stuart measures of exclusion were devised mainly as a means of enforcing the regulations confining the colonial export trade to the mother country. This policy of restriction was the chief characteristic of the early commercial policy of England toward the colonies. During the anarchy of the Civil War, it had been little regarded by the colonies, and it was not definitely revived during the interregnum. Here and there, however, traces of an intention to confine colonial exports to England can be found, and in addition it was realized that the exclusion of foreign shipping had a distinct tendency to increase the importations into England from the colonies.[2]

There were also some specific acts of the government, indicating that this policy had by no means been wholly abandoned. One of the clauses inserted in the Nova Scotia charter of 1656 provided that all commodities arising from trade with the natives in the colony should "be sent into England, Scotland, or Ireland." [3] Furthermore, in 1653 license

[1] Apparently it was not intended to give English manufacturers any monopoly of the colonial market. Under the law English ships could and did proceed from England with a cargo to the continental European ports, where supplies for the colonies were purchased. *Cf.* Cal. Dom. 1655, p. 29.

[2] Thus the merchants who opposed Barbados' plea for the admission of foreign trade, contended that such admission would injure the English customs revenue. Brit. Mus., Add. MSS. 11,411, folio 4.

[3] "Saving what of necessity must be trucked off to other partes for the present or immediate reliefe and maintenance of the persons in the Garrisons & Fortes there." Col. Pap. XIII, 4, pp. 51–53.

was given to a foreign vessel to trade to the English colonies, provided the commodities obtained there were "imported into this Comonwealth." [1] In 1657, a similar license was issued, "upon Security in 5000$^{l}$ to return y$^{e}$ product of the Voyage into England." [2]

In addition to these isolated acts of the government, the Bermuda Company still retained its monopoly of the colony's tobacco crop, and insisted that it should be sent to England.[3] In consequence of some tobacco having been exported in 1651 from the colony to Holland, a proclamation ordered the banishment of such as should in future sell tobacco but to the company.[4] The evidence apparently indicates that virtually the entire crop was brought to London.[5]

Apart from the specific facts just mentioned, there was absolutely no legal impediment to the shipment of colonial products to foreign countries.[6] The new government in England had not enunciated any definite regulations such as those of the first Stuarts. But there was an underlying idea that this traffic, if not illegal, was at least socially

[1] Interregnum Entry Book I39, p. 11.

[2] *Ibid.* I78, p. 57. See also Cal. Dom. 1656–1657, p. 369.

[3] In 1651, a Dutch vessel was allowed by the colonial authorities to export some tobacco, presumably to Holland. This greatly annoyed the company. Lefroy I, pp. 671, 672; II, pp. 24, 25.

[4] *Ibid.* II, p. 37.

[5] *Ibid.* II, pp. 50, 51, 84, 121, 135.

[6] In 1659, a license was issued to a vessel to trade in the colonies, "and to retourne from thence with the proceeds of the said goods to England Amsterdam or any other Porte in amity with this Commonwealth." Archives of Maryland, Council 1636–1667, p. 382.

disadvantageous. In 1656, or thereabouts, the exclusion of foreigners from the colonial trade was attacked on behalf of Virginia. In this memorial, it was stated that Virginia had sought relief by secretly shipping some tobacco to the Dutch colonies,[1] and that "either these Inconveniences or the ruin of the poor planters must follow, if the act (of 1650) be rigorously observed."[2] As such transactions were not illegal, except on the supposition that some validity still attached to the Stuart orders in council, it is not easy to understand why they were done secretly. That they were to some degree reprehensible seems, however, to have been the sentiment of the colony.[3] In 1658 and 1660, Virginia imposed a heavy surtax, ten shillings instead of two shillings, on tobacco shipped to any place but England and its dominions in Europe.[4]

While there existed a general tendency to restrict the colonial export trade to the metropolis, no regulation of this nature was formulated by the interregnum government. Tobacco was shipped directly from the colonies in English bottoms to continental Europe[5] and elsewhere, and New

[1] "'Tis true, the people of themselves, some of them at least, have (this year) endeavoured their own relief by secret trade with the Dutch (conveying their tobacco with the Dutch plantation)."

[2] Hazard, Collections I, pp. 599–602; Thurloe V, p. 80. See on this trade, Records of New Amsterdam I, p. 302 *et passim*.

[3] Hening I, p. 469.

[4] *Ibid.* act 74, 1658; *ibid.* pp. 535, 536, acts 9 and 10, 1660. Tobacco exported in vessels belonging wholly to Virginians was exempted from this tax. In addition, tobacco acquired through the importation of slaves was exempted. *Ibid.* p. 540.

[5] *Cf.* Va. Mag. IV, p. 40; Cal. Dom. 1656–1657, p. 339; *ibid.* 1659–1660, p. 551.

England freely sent her produce to the most favorable market. The English fiscal system, however, to the extent that it gave preferential treatment to colonial products, tended strongly to attract such exports to the mother country.

This was notably so in the case of tobacco. The principle of discriminating duties, both excise and customs, against foreign tobacco was continued and even intensified. The excise on colonial tobacco was reduced from threepence to one penny a pound as opposed to one shilling collected on the foreign product.[1] This heavy discrimination did not give the colonies an absolute monopoly, as some foreign tobacco continued to be imported,[2] and as a considerable quantity was grown in England. The planting of tobacco in England had been prohibited by the Stuarts. This regulation was never completely enforced, and during the Civil War it fell entirely into abeyance. In consequence of the efforts of the English merchants interested in the colonial trade,[3] Parliament in 1652 revived the Stuart prohibition, on the ground that the planting of tobacco in England tended to the decay of husbandry, to the detriment of commerce and navigation, and "to the prejudice and hindrance of the English Plantations abroad." [4]

[1] Scobell II, p. 453; Commons Journal VII, p. 454.

[2] Cal. Dom. 1653–1654, p. 368.

[3] Col. Pap. XII, 5. Already in 1650 it had been proposed to pass such a law. Commons Journal VI, p. 382.

[4] Scobell II, p. 187; Commons Journal VII, pp. 107, 112, 130. The bill was passed by 28 yeas to 22 nays.

This industry was, however, so firmly established in some of the southwestern counties of England, that it was exceedingly difficult to enforce the law. On May 28, 1653, Samuel Mathews, acting for Virginia, and a large number of merchants and others addressed a petition[1] to the Council of State, complaining that the English tobacco crop would exceed the quantity usually imported from Virginia. Attached to the petition was an elaborate argument showing why the colonies should be encouraged and the English industry should be prohibited.[2] Therein it was asserted that the colonial trade employed at least one hundred English vessels yearly, and hence augmented "the navigation of this Comonwealth"; that the colonies were for the most part supplied with English manufactures, for which in return were obtained a number of valuable products paying customs and excise;[3] that many thousand families in the colonies would "be utterly ruyned for want of supplyes from hence"; that the colonies would be forced to seek relief by trading with the Dutch; and that English tobacco was very unwholesome. Shortly thereafter, on July 20, 1653, a similar petition requested that all the tobacco planted in England be destroyed.[4] On account of the hardship which such a

[1] Col. Pap. XII, 5. [2] *Ibid.* 5 i.

[3] "That ye Comodities raised in the said Plantacons as Tobacco, Indico, Sugar, Ginger, Beaver, Cotton Wool & severall sorts of wood are not only purchased by Manufacture and so the stock of this Nation not exhausted thereby But also payes greate somes of Money for custome & excise at their ymporting & sale in this Nation, and begins a trade in the supplying of other Nations therw$^{th}$ being again exported."

[4] Cal. Col. 1574–1660, p. 405.

radical step would have involved, the government deferred action until the following year.[1]

On April 6, 1654,[2] a special committee, to which the matter had been referred, reported "that there are preparacõns in many Countries in this Nation for the planting of a greater proporcõn of Tobaccoe then is usually consumed here at home." This, they stated, would be of "very ill consequence," in general basing their conclusion upon the same arguments that had been used in the petition of 1653.[3] Accordingly, special commissioners were appointed by Parliament to execute the law of 1652.[4] A great deal of opposition was encountered, chiefly in Winchcomb, where the people raised an armed force of three hundred men and would not permit the destruction of their crop. In order to cope with the situation, the Council authorized the use of soldiers, and instructed the commissioners to secure the aid of the justices of the peace and to arrest the ringleaders.[5] A considerable quantity of tobacco was destroyed, but the situation was so serious that the government was again compelled to show some indulgence.[6] The size of the crop

[1] This petition was indorsed, "left to take their remedy at law." On Sept. 3, 1653, Parliament passed an act exempting that year's crop from destruction, but at the same time imposing thereon a tax of threepence a pound. Scobell II, p. 238; Commons Journal VII, p. 301.

[2] Col. Pap. XII, 18. See also Cal. Dom. 1654, pp. 65, 66, 85.

[3] Among other bad results, they said that English tobacco "ruines the Englishe Plantacons abroade."

[4] Scobell II, p. 288; Cal. Dom. 1654, pp. 85, 87, 88.

[5] Cal. Dom. 1654, pp. 211, 212.

[6] A petition of 110 people in and near Winchcomb, dated June 30, 1654, stated that this had been their trade for forty years, and that relying upon the act exempting the crop of 1653, they had again this year planted a small quan-

had, however, been greatly reduced. The Virginia agent, Samuel Mathews, and the other supporters of this measure, said at this time that the act of 1652 had been "in very greate measure" effective, and that eleven hundred acres of land intended for tobacco had been converted to other uses.[1] They protested against a suspension of the act, claiming that it would result in the undoing of the colonies. The agitation against any further indulgence continued, and in March, 1655, a number of petitions to this effect were addressed to the government.[2] Accordingly, on March 27, 1655, the President of the Council, Henry Lawrence, wrote to the justices of the peace and other local officials of the districts where tobacco was grown, that no further respite would be allowed, and that the act should be strictly enforced.[3]

Again there was strenuous opposition on the part of many

tity of tobacco. For this they begged toleration, which was granted. *Ibid.* pp. 229, 335; *ibid.* 1655, pp. 100, 101. [1] Col. Pap. XII, 22.

[2] Cal. Col. 1574–1660, pp. 422, 423; Cal. Dom. 1655, p. 68. One of these memorials was entitled, "Certaine Reasons humbly offered showeing why the English Plantations abroad should be incouraged & the Planting of Tobacco in England (contrary to severall Acts & Ordinances) prohibited." This elaborate document claimed that the colonies were of great advantage to England, and that "the tolerating of English Tobacco at home (though the quantity be farr lesse than formerly) must inevitably impoverrish the Traders to the Plantations abroad." Col. Pap. XII, 41. It was also claimed that the planting of tobacco in England had disastrous economic effects in the counties where the industry was carried on. Cal. Dom. 1655, p. 201.

[3] Cal. Dom. 1655, pp. 100, 101. These instructions were addressed to the justices of the peace of the following counties: Worcester, Hereford, Warwick, Oxford, Gloucester, Monmouth, Sussex, Radnor, Montgomery, Denbigh; and to the officials of several cities within them. The industry centred in southwestern England, but extended to northern Wales, and also to Sussex.

English farmers, especially those in the vicinity of Winchcomb and Cheltenham.[1] To overcome this, on June 7, 1655, the government instructed the officers of the horse and foot in the counties of Worcester, Gloucester, and Hereford to render assistance to those authorized to destroy the tobacco plants.[2] These measures seem to have been effective, for no further complaints were made until three years thereafter. In 1658, upon information that the law was being violated, the Council again wrote to the sheriffs and justices of the several counties to see that it was executed. The centre of the opposition was Gloucestershire, where the militia had to be called upon for assistance.[3]

While this regulation could not be completely executed, it was enforced to an extent sufficient to cause considerable distress in England, and to diminish greatly the quantity of tobacco planted there. In all probability the statements made in 1653 and 1654[4] grossly exaggerated the size of the English crop. But unquestionably the industry was of considerable dimensions, and was in a thriving condition. To some extent this was a result of the protection af-

[1] Cal. Col. 1574–1660, pp. 423, 424.

[2] Cal. Dom. 1655, p. 201. In these instructions President Lawrence said that the English farmers persisted in planting tobacco "to the injury of navigation and the English plantations."

[3] Cal. Col. 1574–1660, pp. 465–467; Cal. Dom. 1658–1659, p. 55. One of the officials intrusted with enforcing the law, collected a body of 36 horsemen, and went to Cheltenham, where he found an armed multitude guarding the tobacco fields. The mob was threatening, and, despite the cocked pistols of the soldiers, refused to disperse. It was subsequently reinforced by 200 more persons from Winchcomb. Cal. Dom. 1658–1659, pp. 104, 105.

[4] See *ante*, pp. 404, 405.

forded by the customs and excise on the colonial product. The sacrifice of this industry was due to a number of reasons, of which the most conspicuous was the desire to promote the welfare of the colonies. The leading spirit in the movement against the English tobacco farmers was the agent for Virginia, Samuel Mathews, who subsequently was elected Governor of the colony by its Assembly.[1]

No other commodity received such markedly favorable treatment as did tobacco, but the preferential system was extended to a number of colonial products. Sugar, ginger, and cotton-wool from the English colonies paid less heavy taxes than did the foreign articles.[2] In addition, very fre-

[1] Among the signers of the petition of 1658 was Edward Digges, also one of the colony's governors during the interregnum. Cal. Col. 1574–1660, p. 467. In Povey's register of letters relating to the West Indies, is an undated and unsigned copy of a communication addressed to the Governor and Council of Virginia, one passage whereof reads: "We have more especially not without greate trouble charge and travaile, bin busyed in the preventinge a most considerable mischiefe, w$^{ch}$ was well nigh ripened, and had certeinly proved to yo$^{r}$ extreame dissadvantage, if it had not in a most Seasonable instant bin happily prevented; w$^{ch}$ was y$^{e}$ suppressing and destroying the greatest Cropp and harvest of English Tobaccoe w$^{ch}$ hath yet bin planted; w$^{ch}$ hath bin effected by continuall Sollicitac̃ons, by collections of Sevirall Sums of money, and by the hazard of some of our persons, employed in the execution of the Lawes and Acts of State in that behalf w$^{ch}$ was attempted but hindered by y$^{e}$ Insurrec̃on and resistance of the Country; and was afterwards upon our importunitie, and the Dexteritie of a Gentleman who acted for vs, reinforct by farther Orders from his Highness and the Councill; and by the access of a strong and vnited power of the sherriffe, and some Troopes of the Army, whereby the greatest part of this work was well carryed on, though not without much disturbance, and some bloudshedd." Brit. Mus., Add. MSS. 11,411, folio 19.

[2] Commons Journal VI, p. 334; Scobell II, pp. 384 *et seq.*, 476. Succades from the English colonies paid one shilling a pound as excise, as opposed to

quently licenses were issued allowing the shipment to the colonies of articles whose exportation from England was ordinarily prohibited.[1] Far more important was the extension to other colonies of the privilege conferred in 1644 upon New England, by which its trade was entirely exempted from the payment of the English import and export duties.

During the opening years of the Commonwealth, this immunity of New England led to some difficulty. Virginia and other colonial tobacco was imported into England from the Puritan colonies, and thus was able to escape the English taxes. In order to remedy this, Parliament in 1650 passed an act subjecting tobacco imported from New England to the excise and customs.[2] Furthermore, it was claimed that large quantities of arms and ammuni-

three shillings payable on the foreign product. *Ibid.* p. 475. The preferential treatment given to colonial ginger and white sugar by the act of 1656 (Scobell II, pp. 384 *et seq.*) was a direct result of the claims of the Barbados planters, who insisted that they were entitled to the same favorable treatment as was New England, and that this privilege was especially necessary to them, because "they can only looke for their supplyes from home, all other Nations being w$^{th}$held from corresponding w$^{th}$ them." Brit. Mus., Add. MSS. 11,411, folios 9, 10. Some details leading up to the enactment of this measure can be found in Col. Pap. XII, 68 iii; Interregnum Entry Book I77, pp. 189, 190.

[1] These were chiefly arms and ammunition, shoes and other leather manufactures, and horses. Cal. Col. 1574–1660, pp. 329, 330, 341, 348, 349, 353, 362, 372, 377, 379, 385, 392, 458, 459; Cal. Dom. 1651–1652, p. 544; *ibid.* 1652–1653, pp. 460, 471 *et passim.* In 1656, Parliament greatly decreased the list of articles whose exportation was prohibited, and at the same time imposed the following export duties on geldings: if exported by a native to the colonies in English shipping, ten shillings; if exported by a native, twenty shillings; if exported by a stranger, thirty shillings. Scobell II, pp. 375 *et seq.*

[2] Commons Journal VI, pp. 382, 426.

tion, as well as other commodities, were exported to New England, and thence shipped to the royalist colonies. This produced "a great murmering," and led to a serious debate about revoking the privilege of freedom from customs and excise.[1] Massachusetts denied that there had been any abuse,[2] and owing to the zeal of its influential agent, Edward Winslow, no action resulted. During the entire period New England enjoyed this exemption. Similar privileges were also extended to some of the other colonies. By the charter of 1656, Nova Scotia was granted the same freedom.[3] Similarly, in order to encourage its settlement, the produce of Jamaica was exempted for seven years from payment of the customs duties in England.[4] The other colonies were naturally eager to obtain the like favorable treatment. In 1656, Governor Kaynell, of Antigua, urged that arms, shoes, and clothing exported to the colony should be exempted from duties, and that "all sortes of comodityes made there may likewise be imported custome ffree for five yeares, as it was graunted New England for longer tyme."[5] At the same time, Barbados also presented a similar claim.[6] This matter was carefully considered, and in general was reported upon favorably by the com-

[1] Winslow reported that it was "layed to our charge that being Custome free we enrich ourselues by furnishing Barbathoes Verginnia though ennimies etc. with that and other comodities." Records of New Plymouth IX, p. 197; Hutchinson Papers I, p. 259. *Cf.* Cal. Dom. 1650, p. 6.

[2] Records of New Plymouth IX, pp. 198, 199.

[3] Col. Pap. XIII, 4, pp. 51–53; *ibid.* XIII, 11, p. 63.

[4] Cal. Col. 1574–1660, p. 441.

[5] Col. Pap. XII, 68 ii.

[6] Brit. Mus., Add. MSS. 11,411, folio 9, 10.

mittee to which it had been referred.[1] Accordingly, on June 19, 1656, an order was issued [2] that provisions [3] exported to Barbados and Antigua should be exempted from payment of the English duties, and that licenses should be issued for the exportation of such quantities of the prohibited articles — shoes, horses, arms, and ammunition — as should be sufficient to supply these colonies.

From this brief outline of English fiscal policy, it is apparent that the colonies were granted extremely favorable treatment, and that the connection with the mother country was of considerable financial benefit to them.[4] Similarly, the English Navigation Act of 1651 placed colonial and English shipping upon an equal footing. On the other hand, some of the colonial legislation covering both of these points openly discriminated against English interests. In 1656, Virginia exempted vessels wholly owned in the colony from payment of the castle dues.[5] Furthermore, it was provided in 1660 that tobacco shipped in such vessels need not pay the export tax of ten shillings a hogs-

[1] See the report of the Committee of Trade and Navigation, May 2, 1656. Col. Pap. XII, 68 iii.

[2] Interregnum Entry Book I77, pp. 189, 190.

[3] "Beere, Beefe, Porke, ffish, butter, cheese, all sorts of biskett, meale, flower, pease, all sorts of strong or hott waters, rape and linseed oyle (of the growth or manufacture of this Comonwealth)."

[4] In this connection, however, it should be noted that the colonies were naturally drawn into England's quarrels and wars with foreign powers. In 1649, Parliament prohibited the importation of French wines, woollens, and silks into England, Ireland, and the dominions thereof, in retaliation for France's forbidding the importation of English woollens and silks. In 1656, after the difficulties with France had been settled, this law was repealed. Scobell II, pp. 86, 87, 388.

[5] Hening I, pp. 402, 480.

head.[1] Moreover, with the avowed purpose of protecting the colony's agricultural interests from competition, Massachusetts in 1655 prohibited the importation from Europe of malt, wheat, flour, beef, and similar products.[2]

During the interregnum, the colonies increased greatly in wealth and in population. The most striking development was that of the West Indies. In 1656, it was said that there were at least twenty-five thousand Christians in Barbados.[3] This growth was primarily due to the introduction of the sugar industry, which in a short space of time displaced the planting of tobacco, and brought great wealth to the West Indies. When, in 1647, Richard Ligon, an early writer on Barbados, came to the island, he found that tobacco, indigo, cotton, fustic, ginger, and sugar were being exported.[4] The sugar industry was still in its infancy, but became quickly established, and a few years later had become the "soul of Trade in this Island."[5]

[1] Hening I, p. 536.

[2] Records of Mass. IV, Part I, p. 246. The importation of malt had been prohibited already in 1654. This law of 1654 was repealed in 1660. *Ibid.* pp. 199, 418.

[3] Cal. Col. 1574–1660, p. 446. On the military strength of this colony, see *ibid.* pp. 374, 396. At about this time, Ligon stated that the population was 50,000, exclusive of negroes. This is probably an exaggeration. Richard Ligon, A True and Exact History of the Island of Barbados (London, 1657), p. 43. *Cf.* Bryan Edwards, West Indies (Phila., 1806), II, pp. 18, 19.

[4] Ligon, *op. cit.* pp. 24, 40. Some lignum-vitæ was also shipped to England. *Ibid.* p. 74. See also Cal. Dom. 1655, p. 166; *ibid.* 1656–1657, p. 203; Hutchinson Papers I, pp. 175 *et seq.;* Oliver, Antigua, p. xxvii.

[5] Ligon, *op. cit.* p. 85. The total customs duties paid in London on importations from Barbados amounted in 1655 to £12,930, of which £1420 was on white and £10,002 on brown sugar. Cal. Col. 1574–1660, p. 434.

The phenomenal growth [1] of the island can be best illustrated by a definite instance. In 1647, a specific plantation of 500 acres was valued at £400; five or six years later one-half of this same property was sold for £7000.[2] A similar development went on in the other island colonies. Tobacco continued to be produced in St. Kitts and Antigua, but was being rapidly displaced by sugar, indigo, and cotton.[3] During the first years after the conquest, only slight progress could be made in developing the large natural resources of Jamaica. Every encouragement was given to the settlers,[4] and a start was made in the production of tobacco, sugar, cocoa, and cotton.[5] The economic development of the Bermudas proceeded along the same lines as in the previous period. Tobacco still continued to be the chief export to Europe, despite the efforts of the company to secure the introduction of more profitable crops.[6] In addition, some cedar was shipped to England.[7] This trade was, however, stringently regulated. In order to prevent the destruction of the forests, no cedar could be exported

[1] In 1655, or thereabouts, the planters stated that Barbados was a colony "the most envyed of the World," that it had 20,000 negroes, that its yearly produce was worth at least a million, and that in one year 226 vessels had traded there. Brit. Mus., Add. MSS. 11,411, folio 9.

[2] Ligon, *op. cit.* p. 86.

[3] Cal. Col. 1574–1660, p. 439; Cal. Dom. 1652–1653, p. 69.

[4] Cal. Col. 1574–1660, p. 430; *ibid.* 1675–1676, pp. 97, 98.

[5] Cal. Dom. 1657–1658, pp. 113, 208; Cal. Col. 1675–1676, pp. 123, 125, 134, 135.

[6] Lefroy I, pp. 588, 606; II, pp. 14, 24, 45, 50; Cal. Col. 1574–1660, p. 378.

[7] In 1658, the Council advised the purchase of some cedar lately imported from the Bermudas for the ceiling of Hampton Court, at a price not to exceed £400. Cal. Dom. 1657–1658, p. 373.

except by license of the company.[1] Fruits and provisions, however, constituted the chief source of the colony's wealth, and were shipped in relatively large quantities to the other colonies.[2]

The phenomenal development of the West Indies had marked effects on the other sections of the Empire. These settlements furnished England with a number of products, especially with sugar, which theretofore had to be purchased from foreigners.[3] Since colonies were still looked upon mainly as sources of supply,[4] the West Indies conformed most closely to this ideal standard created by

[1] Lefroy II, pp. 38, 51, 126. [2] Force II, no. 6, pp. 5, 6.

[3] In the year beginning Sept. 29, 1662, the imports into England from the colonies consisted of 7,367,140 lbs. of tobacco, 130,000 cwt. of brown sugar, 16,000 cwt. of white sugar, 7500 bags of cotton-wool, 2000 cwt. of ginger, 1200 cwt. of cocoa, 14,600 beaver skins, 4278 otter skins, 4202 hides, 14,000 lbs. of indigo, 4334 cwt. of fustic, 1088 cwt. of lignum-vitæ, and small quantities of other commodities. Board of Trade, Trade Papers, vol. IV. With the exception of the bulk of the tobacco and the furs and hides, these imports came from the West Indian colonies.

[4] By the twelfth article of its instructions, the Council of Trade of 1650 was ordered to consider how the colonies could be "made most useful for this Commonwealth; and how the Commodities thereof may be so multiplied and improved, as (if it be possible) those Plantations alone may supply the *Commonwealth* of *England* with whatsoever it necessarily wants." F. A. Inderwick, The Interregnum, pp. 74–76 n. In 1656, John Hammond wrote: "It is the glory of every Nation to enlarge themselves, to encourage their own forraign attempts, and to be able to have of their own, within their own territories, as many several commodities as they can attain to, that so others may rather be beholding to them, then they to others; and to this purpose have Encouragements, Priviledges, and Emunities been given to any Discoveries or Adventurers into Remote Colonies, by all politique Common Wealths in the world." Hammond, Leah and Rachel (London, 1656), p. 6, in Force III, no. 14.

the mercantile system. As a result there was a notable drift in favor of tropical colonization, and a marked tendency to foster the development of plantations that in no wise competed with the mother country, but supplemented her economic activities.

These island colonies supplied England with a number of exotic commodities, in return for which they took English manufactures and food-stuffs. In addition, owing to the fact that their system of labor was predominantly one of negro slavery, they stimulated the development of England's trade to Africa. The expansion of this trade, and the ultimate acquisition of territory in that continent, were a direct result of the incessant demand for negro slaves on the part of the West Indian sugar planters.[1]

The West Indies were not self-supporting, but imported the bulk of their provisions. A part was obtained from England and other European countries, but already at this time a considerable portion was derived from the English colonies on the continent of America.[2] In addition, these island colonies needed large quantities of lumber for their sugar casks and for other purposes, and also required horses in order to work the mills that ground their cane.[3] Hence

[1] On slavery in Barbados during the Commonwealth, and on the development of England's trade to Africa, see Ligon, *op. cit.*, 40, 46, *passim;* H.M.C. XIII, Portland MSS. II. pp. 29 *et seq.* At as early a date as 1645 it was said that Barbados "bought this year no lesse than a thousand negroes." Winthrop Papers I, p. 536.

[2] *Cf.* Ligon, *op. cit.* p. 37.

[3] The majority of the horses, however, came from England. In 1649, horses were also imported from New Netherland. N. Y. Col. Doc. I, pp. 385, 386, 397, 399, 455, 456.

the establishment of the sugar industry in the West Indies greatly stimulated the fishery, agriculture, and lumbering industry of New England. Comparatively large quantities of fish, grain and other provisions, staves, and also some horses were exported from New England to Barbados and the other islands.[1] The army that took Jamaica was in part provisioned from this source, and after its conquest, Cromwell's favorite colony regularly obtained supplies from New England.[2]

It was this trade that enabled Massachusetts to recuperate so rapidly from the economic crisis of 1640, and for over a hundred years it was the fundamental basis of the colony's prosperity. Massachusetts still continued the largely futile attempts to create local manufactures,[3] but other activities were found much more remunerative. In addition to what was sold to the West Indies, large quantities of staves, provisions, and fish were sent to Spain and Portugal, and to the "Wine Islands" belonging to these countries.[4] This trade to Madeira and the Canaries to

[1] Force II, no. 6, p. 5; Winthrop Papers I, pp. 538, 539; *ibid.* IV, pp. 63–68; Records of Rhode Island I, p. 338.

[2] Masts, tar, and lumber were also obtained there. Col. Pap. LXIV, 33; H.M.C. XIII, Portland MSS. II, p. 94; Cal. Dom. 1657–1658, pp. 451, 457, 504; Hazard I, p. 608; Tanner MSS. 51, folio 82; Hutchinson Papers I, pp. 305, 306; Cal. Col. 1675–1676, pp. 91, 102, 115, 118, 120.

[3] Records of Mass. II, pp. 7, 61, 81, 105, 125, 135, 137, 168, 229; *ibid.* IV, Part I, pp. 137, 138, 198, 256, 439; Johnson, Wonder-Working Providence, pp. 173, 307. Some success was attained in the manufacture of iron. In 1649, it was said: "They have already progressed so far in New England that they cast iron pots, cannon, shot, and similar articles from the mineral they have there." N. Y. Col. Doc. I, p. 280. See also Winthrop Papers II, pp. 402, 403, 406, 477.

[4] Force II, no. 6, p. 6.

some extent also depended upon the prosperity of the West Indies, for it was in those luxurious colonies, not in abstemious New England,[1] that the wine of these islands was extensively consumed.

Virginia likewise benefited by the introduction of the sugar industry. Some provisions and oxen were exported to the West Indies,[2] but this trade was of inconsiderable dimensions. The main advantage resulted from the fact that sugar displaced tobacco, and as a result, Virginia was freed from the competition of the West Indian product. The colony apparently was very prosperous,[3] but the complaints about the low price of tobacco continued as vociferously as before.[4] On account of the fluctuations in the

[1] De Vries, p. 120.

[2] Ligon, *op. cit.* p. 37; H.M.C. VI, 1, p. 203; Force II, no. 6, p. 5; *ibid.* III, no. 14, pp. 9, 19.

[3] Clarendon stated that Virginia was very prosperous, and had made more progress in the few years prior to 1652 than it had done since its foundation. Clarendon, History of the Rebellion (ed. Macray) V, p. 263. *Cf.*, however, H.M.C. V, 1, p. 145.

[4] In a memorial of 1653 it was stated that "the tolerating of English Tobacco at home (though the quantity be farr lesse than formerly) must inevitably impoverish the Traders to the Plantations abroad, ffor att this present new Tobaccoes lately Imported from beyond the Seas are sold for seaven pence ℔ pound, cleere of all charges, out of which the State Receives for custome, excise and Argeir duetie $4^{d}\frac{1}{4}$ ℔ pound besides ffreight and petty charges which comes to $2^{d}\frac{1}{4}$ ℔ pound at least, so that the merchant or poore planter hath not for a considerable parte of his goods (after all his paines and adventure) above one halfe a peny of his principall money raised by the Manufacture of this Nation." Col. Pap. XII, 41. In 1659, 15 hogsheads of Virginia tobacco were sold in England for fivepence and the excise. Va. Mag. VI, pp. 137, 138. In 1649, however, it was stated that so much tobacco was planted in Virginia, "that the price there is but three pence a pound." The same writer further said that at this price each colonist could make yearly £20,

value of its staple product, the economic life of the colony seemed to many most precarious, and renewed attempts were made to establish other industries.[1] A serious effort was made to introduce the culture of silk,[2] but, like preceding experiments of a similar nature, it ended unsuccessfully.

The great interest manifested in imperial matters during the Cromwellian decade, and the reorganization of the government after the execution of Charles I, inevitably necessitated the creation of new organs for the administration of colonial affairs. Shortly after the establishment of the Commonwealth, Parliament revoked the powers granted in 1643 to the Warwick Commission, and intrusted the care of the colonies to the Council of State.[3] This executive body, appointed by Parliament, was of unwieldy size, and hence was accustomed to perform its work through standing committees. In 1649 and 1650, the Admiralty Committee was especially active in investigating and re-

"and this they find and know, and the present gain is that, that puts out all endeavours from the attempting of other more Staple and Sollid, and rich Commodities, out of the heads and hands of the Common people." A Perfect Description of Virginia (London, 1649), pp. 4, 6, in Force II, no. 8. In 1655, the price of tobacco in Virginia was twopence. Force III, no. 13, p. 36. *Cf. ibid.* III, no. 14, p. 19. See also Hening I, pp. 314, 399, 524.

[1] Attempts were made to produce wine, rice, indigo, hemp, flax, pitch, and tar. Force II, no. 8, pp. 4–6, 14; Hening I, pp. 469, 470.

[2] The Reformed Virginian Silk-Worm (London, 1655), pp. 26–28, 36, in Force III, no. 13; *ibid.* III, no. 14, p. 17; Hening I, pp. 420, 487, 520, 521.

[3] Scobell II, p. 7; Cal. Col. 1574–1660, p. 330; Cal. Dom. 1649–1650, pp. 6, 9, 13, 175, 213, 339, 512; Commons Journal VI, p. 267. One of the duties of the Council was "to advance trade and foreign plantations."

porting upon matters directly affecting the Bermudas, Maryland, and Virginia.[1]

In addition to this committee, there was one appointed especially for colonial affairs.[2] Then, on March 2, 1650, the Council of State issued an order that the entire council, or any five of its members, should constitute a Committee for Trade and Plantations.[3] During the years 1650 to 1652, this committee and that for the admiralty acted upon a number of colonial matters, such as the reduction of the rebellious colonies and the disputes in Maryland and Rhode Island.[4] Furthermore, in 1652 a number of colonial questions came under the consideration of the Committee of Trade and Foreign Affairs.[5] This committee investigated the advisability of allowing colonization between the Amazon and the Orinoco, of granting a patent for the Kennebec River district, of obtaining naval stores from New England, and of appointing a "chief supervisor of all the Caribbee Islands."[6] In addition, at various times in these years, special committees were appointed to investigate specific matters, such as the troubles in the Bermu-

[1] Cal. Col. 1574–1660, pp. 330, 331, 333, 335, 336.

[2] *Ibid.* pp. 330, 331; Cal. Dom. 1649–1650, p. 140.

[3] Cal. Col. 1574–1660, p. 335; Cal. Dom. 1650, p. 18. This order was renewed in 1651. Cal. Col. 1574–1660, pp. 352, 366; Cal. Dom. 1651–1652, p. 43.

[4] Cal. Col. 1574–1660, pp. 336, 337, 339, 340, 343, 344, 367, 385; Cal. Dom. 1650, p. 100; *ibid.* 1651, pp. 99, 238.

[5] On Dec. 17, 1651, the Council of State appointed this committee, and among its members were Whitelocke, St. John, and Vane. Cal. Dom. 1651–1652, p. 67.

[6] Cal. Col. 1574–1660, pp. 376–378, 392–394.

das, the best means of reducing Barbados, and the actions of Sir David Kirke in Newfoundland.[1]

On December 1, 1652, the Council of State appointed a standing committee "for the businesse of Trade & Plantations & also for Forreigne Affaires," consisting of twenty-one members, among whom were men of great prominence, such as Cromwell, Haslerig, Whitelocke, Vane, and Bradshaw.[2] Some colonial work was done by this body,[3] but in 1653 several important matters concerning Maryland and Newfoundland were referred to the Committee for Scotch and Irish affairs.[4] Furthermore, in this year there were also appointed several special committees to consider the situation in the Bermudas, Barbados, and Virginia.[5]

Besides these various committees of the Council, there was created by act of Parliament, on August 1, 1650, a Council of Trade,[6] one of whose duties was to consider the colonies and to advise how they may best be managed "and made most useful for this Commonwealth." [7] This

[1] Cal. Col. 1574–1660, pp. 332, 347, 372, 373, 376; Cal. Dom. 1650, pp. 290, 338; *ibid.* 1651, pp. 213, 217; Lefroy I, p. 658.

[2] Interregnum Entry Book I68, p. 8. At different times during the following months others were added to this committee.

[3] For instance, a petition concerning some matter in Barbados was referred by the Council to this body. Interregnum Entry Book I39, p. 8. See also Cal. Col. 1574–1660, p. 396; Cal. Dom. 1652–1653, pp. 53, 54.

[4] Cal. Col. 1574–1660, pp. 400, 402, 403; Cal. Dom. 1653–1654, p. 271.

[5] Cal. Col. 1574–1660, pp. 402, 412.

[6] Commons Journal VI, pp. 450, 451. On May 26, 1652, "in pursuance of the late imitable præsident of the Parljament of England," Massachusetts created a Council of Trade. Records of Mass. IV, Part I, p. 85.

[7] F. A. Inderwick, The Interregnum (London, 1891), pp. 74–76 n.

council, however, devoted its attention mainly to matters affecting English trade,[1] and did not busy itself with colonial affairs.[2] In 1652 the activity of this body ceased, and its duties again reverted to the Council of State.[3]

On the establishment of the Protectorate, the Council of State lost most of its executive powers, and virtually became Cromwell's privy council, subordinate to and dependent upon him. The Protector's Council adopted the committee system, and in 1654 and 1655 a number of colonial questions were considered by committees especially appointed for that purpose, and by the standing committees of the Council.[4] In this latter year, as a result of the conquest of Jamaica and the problems connected with its settlement, there was constituted a special committee for this island.[5] At about the same time there was also formed a committee for foreign plantations.[6] In addition, occasionally special committees continued to be appointed.[7]

[1] Cal. Dom. 1650, pp. 399, 415, 554, 558; *ibid.* 1651, pp. 16, 29, 270; H.M.C. XIII, Portland MSS. I, p. 538. The best account of this Council is given in C. M. Andrews, British Committees, etc. 1622–1675, pp. 24–30.

[2] The Guinea Company matter was, however, considered by this body. Cal. Col. 1574–1660, pp. 342, 345, 355. It also had some share in the deliberations leading up to the Navigation Act of 1651. H.M.C. VIII, 1, p. 247[a].

[3] Scobell II, p. 124; Cal. Dom. 1651–1652, p. 470. Prior to the appointment of this body, the Council of State had its own committee for trade. Cal. Dom. 1649–1650, p. 428; *ibid.* 1650, p. 71.

[4] Cal. Col. 1574–1660, pp. 413, 414, 416, 429.

[5] *Ibid.* pp. 428, 429, 440, 445, 447, 460; Cal. Dom. 1656–1657, pp. 71, 110.

[6] Cal. Dom. 1655, pp. 65, 68, 218; *ibid.* 1655–1656, p. 113; Cal. Col. 1574–1660, p. 453; Brit. Mus., Egerton MSS. 2395, folio 113.

[7] Cal. Col. 1574–1660, pp. 445, 451, 452.

Distinct from such committees of the Council was the standing committee constituted on July 31, 1656 to manage colonial affairs. This body consisted of a number of officers and merchants. Prominent among the latter were Martin Noell, Captain Limbrey, and Thomas Povey.[1] In addition, there had been appointed in 1655[2] a special committee for trade and navigation composed of a number of men in public life, and including also prominent merchants interested in the colonial trade, such as Martin Noell. These various bodies,[3] the Protector's Council and its subordinate committees, and the two permanent committees, respectively, for the plantations and for trade and navigation, devoted themselves to imperial matters.

It is obvious that this machinery was somewhat cumbersome, and that the delays necessitated by the numerous references from one body to the other interfered with the efficient despatch of business.[4] The system by no means

[1] Cal. Col. 1574–1660, p. 445. Povey was appointed subsequently, on Oct. 9, 1657. *Ibid.* p. 460. *Cf.* also Brit. Mus., Egerton MSS. 2395, folio 123. In 1651, Captain Limbrey had been appointed a member of the Council of Trade. Commons Journal VI, p. 560.

[2] Cal. Dom. 1655, p. 240; *ibid.* 1655–1656, pp. 1, 2. In 1654 and 1655 the Council had its own committees for trade and foreign affairs, and for trade alone. *Ibid.* 1654, pp. 43, 316, 424; *ibid.* 1655, pp. 27, 133, 240. See also *ibid.* 1656–1657, p. 308.

[3] On the colonial activity of the committee of trade, see Cal. Col. 1574–1660, pp. 441, 442, 447.

[4] This is best illustrated by an excerpt from the records of the Protector's Council. Under date July 1, 1656, we read: "Col. Jones reports from the Comittee to whom the reports from the Com^ee for Trade were referred, the humble proposall of Col. Christopher Kennell, Gov^r of the Island of Antega. Ordered that the debate be resumed on Thursday next.

conformed to the ideals of such English merchants as Noell and Povey, who urged the creation of "a select Councill solely dedicated to the inspection, care and charge of America." [1] One purpose of this proposed body was to reduce all the colonies "to a more certaine civill and vniform waie of Governm^t." [2] In addition, they had in view a more coherent and systematic scheme for controlling the Empire's economic development. One of the numerous proposals for such a council suggested that one of its duties should be to increase the shipping and national revenue, and to shut out all strangers from the colonial trade, "by making them not necessary to it." [3]

The ideals of these men were only very inadequately expressed in the incomplete regulations and in the over-elaborate administrative machinery of the Cromwellian era. The time was not ripe for the establishment of a comprehensive and symmetrical system of colonial control. Such a system was gradually created after the restoration of the

"Col. Jones reports from the Com^ee to whom the Reports from the Com^ee for Trade were referred a Report for regulacon of Newfoundland trade concontayned in 12 Articles, all w^ch, except the 11^th Article, the Com^ee doe offer as their humble opinion that y^e same be turned into Instruccons to y^e Com^dr in cheife of the Convoyes goeing thither, & the Governors there; w^ch read and agreed and ordered to be putt into Instruccons & to be offred to his Highness as the advise of ye Counsell." Interregnum Entry Book I77, p. 213. See also Brit. Mus., Egerton MSS. 2395, folios 136, 142, 147; Cal. Col. 1574–1660, pp. 441, 442, 453, 460; Archives of Maryland, Council 1636–1667, pp. 320, 330.

[1] Brit. Mus., Egerton MSS. 2395, folio 99. *Cf.* folio 185.

[2] Brit. Mus., Add. MSS. 11411, folio 3.

[3] *Ibid.* folio 11. For a detailed and well-documented account of these proposals, see C. M. Andrews, *op. cit.* pp. 49–60.

monarchy in 1660, when the fairly stable equilibrium within the body politic permitted the devotion of more undivided and more intensive attention to imperial matters. For nearly two hundred years, until the triumph of free trade ideas, the Empire developed, was dismembered, and grew anew under this system. Its characteristic features can be clearly seen in the crude and imperfect devices of the earlier Stuarts and of Cromwell. The underlying ideas were virtually the same, and it was to a great extent upon the experiences of the years described in this volume, that was based the fully developed colonial system of the following age.

## LIST OF THE CHIEF ABBREVIATIONS USED IN THE REFERENCES

**Bradford** — William Bradford, History of Plymouth Plantation (Boston, 1856), in Massachusetts Historical Society Collections, ser. iv, vol. iii.

**Cal. Col.** — Calendar of State Papers, Colonial Series.

**Cal. Dom.** — Calendar of State Papers, Domestic Series.

**Coke Mss.** — This collection is owned by Lord Walter T. Kerr, and is located in Melbourne Hall, Derbyshire, England.

**Col. Entry Book** — State Papers, Colonial Series, in the Public Record Office, London.

**Col. Pap.** — *ditto.*

**Council Register** — The manuscript registers in the Privy Council Office.

**Customs Rolls** — Declared Accounts of the Pipe Office, in the Public Record Office, London.

**De Vries** — David Peterson de Vries, Voyages from Holland to America, 1632–1644 (New York, 1857) in New York Historical Society Collections, ser. ii, vol. iii.

**Force** — Peter Force, Tracts and other Papers, 4 vols., Washington, 1836–1846.

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**Lefroy** — J. H. Lefroy, Memorials of the Discovery and Early Settlement of the Bermudas or Somers Islands, 2 vols., London, 1877–1879.

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**Manchester Mss.** — Hist. Mss. Com., Report viii, appendix 2.

**S. P. Dom.** — Domestic State Papers, in the Public Record, London.

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# INDEX


Abbott, Sir Morris, farmer of customs (1626), 145 n.
Accomac, loyalty of, to Stuarts, 360 n.
Admiralty, jurisdiction of, regarding colonial affairs, 334, 335, 336–337.
Admiralty Committee under the Commonwealth, 418–419.
Admiralty Court, cases of foreign ships before, 391.
Africa, early English voyages to, 7; grant of monopoly of trade to, 220 n.; development of English trade to, caused by negro slavery, 415.
African trading companies, 220 n., 265–266, 343 n.
Alexander, Sir William, cited, 222 n., 271.
Alexander VI, Pope, bull of demarcation of, 3, 5, 6, 8, 10 n., 177.
Algerian pirates, 58, 213, 319–320.
Amadas, Philip, Admiral of Raleigh's settlement, 336 n.
Amazon River colonies, 13, 14–15, 113 n.
Amber and ambergris shipped from Bermudas to England, 259.
Antigua, colonization of, 12; under the Commonwealth, 362, 364 n.; preferential system applied to trade of, 411; tobacco displaced by sugar, indigo, and cotton in, 413.
Appellate jurisdiction of Privy Council over colonial affairs, 335.
Argall, Samuel, Admiral of Virginia and of New England, 336 n.
Arms, sale of, to Indians, 274, 276, 278.
Ashehurst patents of 1501 and 1502, 296.
Assisted emigration, schemes of, 47–48.
Association Island, trade from, to Holland, 212 n.
Avalon grant, Calvert's, 106 n., 107 n., 228 n., 291, 300, 321 n.
Ayscue, Sir George, commands expedition in West Indies, 363, 364 n., 365–6.
Bacon, Sir Francis, quoted, 196 n., 223 n.
Baltic trade, England's, 56, 279–280; factors tending to hamper, 58; one cause of war between Dutch and English Commonwealth, 373; English secure safe access to, 379; inability of New England to compete with, 380–381.
Baltimore, Lord, grant to, 106 n., 107 n., 228 n., 291, 300, 321 n.; attempts colonization of Newfoundland, 291.
Bank fishing, 289.
Barbados, first English settlement of, 12; assisted emigration to, 48; production of tobacco in, 89; export trade of, 90 n.; restrictions on export trade of, 212; taxation of foreign ships in, 230; in Earl of Carlisle's grant, 264; population of, in 1636, 264; negro slavery in, 266, 415; King's interference in affairs in, 333; government of, during the Civil War, 352; loyalty in, to Stuarts, during the Commonwealth, 361; submits to force under Ayscue, 363; slight change in government of, 364; foreign ships captured by Commonwealth's fleet, 388–389; seizure of foreign ships at, 388–392; preferential system applied to trade of, 411; population of, in 1656, 412; establishment of sugar industry in, 412–413.
Barbary, pirates of, 58, 213, 221 n., 319–320; monopoly of trade to, 220.
Barbary Company, the, 181 n., 220.
Barter, system of, in Virginia, 252 ff.
Beaver skins, exported from New Plymouth to England, 281; importation of, to England in 1662, 414 n.
Bell, Philip, colonial Governor, 261 n., 263 n., 351 n.
Bennett, Edward, 137, 141 n.; treatise by, 114 n.

Bennett, George, tobacco official, 168.
Bennett, Richard, parliamentary commissioner to Virginia, 366; appointed Governor, 367.
Berkeley, Governor of Virginia, 250 n.; loyalty of, to Charles II, 360, 366 n.; Charles II's commission to, 361; superseded by Richard Bennett, 367.
Bermuda Company, expenses and finances of, 222–223; prohibits outside trade with colony, 228.
Bermudas, settlement of, 12; Spanish opposition to, 19; unwillingness of people to settle in, 47; cost of passage from England to (1619), 49 n.; production of tobacco in, 89 n.; importations to England of tobacco from (1621–23), 120 n.; export trade of, confined to England, 186, 210–211; early economic development of, 259–264; tobacco becomes staple crop and standard of value in, 259; first Englishmen in, 262 n.; strategic value of, 263–264; negro slavery in, 266; affairs in, during the Civil War, 350–351; opinion in, of execution of Charles I, 360; under the Commonwealth, 365; later economic development of, 413–414.
Bland, John, quoted, 358 n.
*Blessing of the Bay, The*, Winthrop's bark named, 282.
Board of Trade, connection of, with colonial administration, 337–338.
Bourne, Reuben, 145 n., 153.
Bradford, Governor, 230.
Brazil, early English explorers in, 7.
Bromley, George, 145, 153.
Brooke, Christopher, 194 n.
Brooke, Lord, member of Providence Island Company, 12 n.
Brown, Alexander, cited, 299.
Bull of demarcation, Alexander VI's, 3, 5, 6, 8, 177; attitude of England toward, 10 n.
Burlamachi, tobacco importer and commissioner, 147 n., 153 n.
Butler, Governor of Bermudas, 266.

Cabot, John, 4, 179, 288.
Cabot, Sebastian, 4, 5, 180.
Cabots, nature of charters granted to, 296.
Canary Islands, trade of Massachusetts with, 416–417.
Carleill, Christopher, cited, 27, 64–65, 72, 222, 225 n.; quoted on colonization and population, 37; doubts obtaining precious metals from America, 55 n.; quoted on England's import trade and its drawbacks, 58 n.
Carlisle, Earl of, grant of West Indian islands to, 12, 264, 321 n.; administration of affairs in islands granted to, 332–333.
Carolana patent, Heath's, 107 n., 108 n., 228 n., 300.
Cedar forests in Bermudas, 262–263, 413–414.
Chancellor, expedition under, 5, 180.
Charles I, accession of, and policy toward tobacco industry, 142 ff.; views held in colonies regarding execution of, and rights of Charles II, 360 ff.
Charles II, loyalty of colonies to, 360–361.
Charter, of James I, in 1606, for colonization of North America, 10–11; of Council of New England, 272; of Massachusetts Bay Company, 324.
Charters, nature of early, 16–17; provisions in, regarding shipments of produce to England, 179 ff.; colonial, provisions in, regarding trading privileges, 225–228; nature of, granted to the Cabots, Gilbert, Ashehurst, and Raleigh, 296–297; of those granted under James I, 297–299; nature of colonial, 299–300; colonies under control of Crown rather than Parliament according to, 300–303; colonial officials under, 304; growing tendency to limit political privileges conferred by, 331.
Cheltenham, defence of tobacco crops grown in, 407.
Christina, Queen of Sweden, 388.
Civil War, colonial affairs during, 340–359.
Claiborne, William, parliamentary commissioner to Virginia, 366.
Clapboards, exported from New Plymouth to England, 281 n.

Cloth, manufacture of, in New England, 285–286, 416.
Cocoa, West Indian production of, 413, 414 n.
Coddington, William, appointment as Governor of Rhode Island, 369.
Coin, question of, in colonies, and substitutes for, 252 ff.; issue of special, for Bermudas, 259 n.; in Massachusetts, 287–288.
Coke, Roger, quoted on emigration, 34.
Coke, Sir John, commissioner for Virginia, 312.
Colonies, organs of English government for administering affairs of, 333–334; under the Commonwealth, 360 ff.; under the Protectorate, 421–423.
Colonization, English, connection between activities of Elizabethan seamen and, 5–6; influence of conflict with Spain on, 6–9; cessation of, after defeat of Armada, 9; letters patent of James I for, 10; of North America, 11; of Bermudas and West Indian islands, 12; of South America, 13–16; use of letters patent (charters) in, 16–17; Spanish hostility to, 18–20; French hostility to, 20–21; Dutch, 22–23; protection afforded by home government, 24–25; reasons for, — military, religious, political, and economic, 25–31; theory of overpopulation a factor in, 32–52; desire for precious metals and, 53–55; bearing of England's import trade on, 55–58; colonies regarded as a source of supply to England, 59–71, 75–76; colonies as a market for English produce, 72–73; effect on shipping interests and sea power, 73–74; expenditures of trading companies in, 222–223; administrative organs connected with, 333–339.
Colonization, tropical, 29, 76, 382.
Colonizing companies, charters of, 182–183; amounts expended by, 222–223. *See* Trading companies.
Commerce, protection of, by trading companies, 220–221.
Commission, regulation of Massachusetts affairs by the Laud, 328–329; appointment of a royal, to settle disturbances in West Indies, 333; appointed by Long Parliament, for colonial affairs, 347; parliamentary, for reducing Barbados, 363; sent to Virginia to secure adherence to Commonwealth, 366.
Commissions for administering government of Virginia, 308–310, 312–316.
Commissioners for Foreign Plantations, board of, 334.
Committee for Foreign Plantations, 339 n.
Committee for Trade and Plantations, under the Commonwealth, 419.
Committee of Trade, 339.
Committee of Trade and Foreign Affairs, 419, 420.
Committees for administering colonial affairs under the Commonwealth, 418 ff.; under the Protectorate, 421–422.
Commonwealth, colonies during, 360 ff.
Companies, commercial. *See* Trading companies.
Connecticut, opposition in, to use of tobacco, 84; foreign ships allowed to trade to, 398–399.
Conspiracy, negro, in Barbados, 266 n.
Corn, exported from Virginia, 249; a staple crop in Maryland, 258; production of, in New Plymouth, 280; imported to Massachusetts Bay colony from Virginia, 281–282.
Cornwallis, Sir George, cited, 27.
"Corr" fishing, 289.
Cotton, production of, in West Indies, 99, 265, 412, 413, 414 n.; imported into Massachusetts from West Indies, 285 n.
Cotton-wool, duties on, imported from colonies, 408; West Indian production of, 414 n.
Council of New England, patent incorporating, 272; fishing monopoly of, 272–273, 275–277.
Council of State, in charge of colonies under the Commonwealth, 418.
Councils, royal, for Virginia, 297–298.
Councils of Trade, appointment of, by James I and Charles I, 338; by Cromwell, 420.

"Counter-Blaste to Tobacco," James I's, 81.
Courten, Sir William, 12.
Courts, English, and colonial administration, 334.
Crakanthorpe, Richard, sermon by, quoted, 38 n., 67 n.
Crashaw, sermon by, quoted, 29 n.
Criminals as colonists, 48.
Cromwell, Oliver, 347, 368, 372 ff.; becomes Protector, 421.
Cromwell, Richard, 368 n.
Currency in colonies, 251–252, 259 n., 287–288.
Customs officer, first colonial, for imperial purposes, 208.

Dawes, Sir Abraham, tobacco commissioner, 153, 167, 171 n.; royal commissioner for West Indies, 333.
De Vries, Dutch seaman and trader, 209, 356; quoted on Virginia experiences, 235–236.
Digby, Sir John, quoted, 18 n.; cited, 19, 20.
Digges, Edward, Governor of Virginia, 367, 408.
"Discourse concerning Western Planting," Hakluyt's, 57. *See* Hakluyt.
"Discourse of the Old Company of Virginia, The," 143.
Ditchfeild, Edward, 137, 141, 145 n. 153.
Downing, Emanuel, quoted, 24, 28, 70 n., 176 n., 188 n., 326.
Drake, Sir Francis, voyage of, 7–8.
Drawback system applied to customs duties, 203–204, 215–216, 342 n.
Dunkirk, English capture of, 379.
Dutch, friction between English and, in North America, 22–23; prosperity of, founded on herring fisheries, 62, 270; trade of, with Massachusetts, 212, 229–230; exclusion of, from English colonial trade, 228 ff., 386–387; early trade of, with Virginia, 231; exclusion of, from trade to Virginia, 233 ff.; trade of, with English colonies during Civil War, 356–358; causes leading to war with, during the Commonwealth, 372–374; formal war with, declared in 1652, 374; terms of peace, 375.
Duties, on tobacco, proceeds of, 169–171, 215; preferential, on importations from colonies, 408–409.
Dyeing woods, prohibition of use of, 209 n.; West Indian, 265.
Dyes, importation of, to England, from Far East, 56.

East India Company, incorporation of, 9; reason for formation of, 57, 60, 75, 220; joint trading system of, 183.
Eastland Company, the, 178 n.
Egerton, H. E., quoted, 224 n.
El Dorado, the legendary, 9, 13.
Eleuthera, taken by English, 380 n.
Emigration, conditions in England leading to, 32–33; previous to 1660 alarm caused by, 34; theory of overpopulation changes attitude toward, 35–43; pauperism to be remedied by, 44–45; religious and political reasons for, 45–46; period of backwardness in, 46–47; schemes of assisted, 47–48; cost of, to Bermudas, America, and West Indies in 17th century, 49–50; economic conditions in England influencing, 52.
England, first entrance into field of exploration, 4; activities of seamen of, 5–6, 26; conflict bewteen Spain and, 6; end of contest with Spain in 1604, 10; Spanish opposition to colonies of, 18–20; opposition of French and Dutch, 20–23; import trade of, 56–57; production of tobacco in, 113, 165, 404–408; tobacco-planting prohibited in, 126, 136, 152, 404; destruction of crops of tobacco in, 167–168, 404–408; inauguration of commercial relations between Russia and, 180.
Exclusion of foreigners from colonial trade, 220–229, 340, 375, 384, 385–386.
Export trade, colonial, restrictions on, 76–77, 85 n., 176 ff.

Far East, England's trade to, 56, 60; Dutch depredations in, 373–374; settlement of troubles by peace of 1654, 375. *See* East India Company.

Farthings, coinage of colonial, 256.
Ferrar, John, 231.
Ferrar, Nicholas, commissioner for Virginia, 196 n., 312.
Fish, exported from Virginia to England, 242; used for manure in New England, 280 n., 286 n.
Fisheries, the Newfoundland, 5, 240, 270–271, 288 ff.; the New England, 11, 63, 268, 270–271; importations to England from foreign countries, 56; a factor in desire for colonial expansion, 61–63; export trade of the Newfoundland, 212–213; national importance of, to England, 268–270; bearing of, on shipping interests, 269–270, 287; Gorges's patent and the New England, 272–273, 275; abandonment of New England, and causes, 276–278; expansion of the Massachusetts, 286–287; the Newfoundland, under the Commonwealth, 370–371; aim of Navigation Act of 1651 to develop, 385.
Flax, West Indian, exported to England, 265 n.; raising of, in New England, 286.
*Flying Hart*, trading vessel, 239.
Foreigners, exclusion of, from commercial intercourse with colonies, 220–229, 340; conceded by Cromwell's treaty with Dutch, 375; under the Commonwealth, 384; provisions of Navigation Act of 1651 concerning, 385–386.
Foreign shipping, discrimination against, 239.
Forests, of New England, 287–288; protection of, in Bermudas, 413–414.
Forster, Governor of Bermudas, 365.
Fortrey, Samuel, cited, 33, 35; quoted, 176 n.
France, hositility of, to English colonization, 20–21; England's trade to, and its decline, 58, 59; attitude of, toward English Commonwealth, 376; treaty between Commonwealth and, 378.
French, fisheries of, 270.
Furs, trade in, between Massachusetts and the Dutch, 212, 229; sent from Virginia to England, 242, 249; from New England, 268, 281; trade with Indians for, 273–274; Massachusetts colony's trade in, 283; importation of, into England, in 1662, 414.
Fur trade, rivalry between Dutch and English over, 23.
Fustic, shipped from West Indies to England, 265; West Indian production of, 412, 414 n.

"Garbling" of imports, 118–119.
Garwaie, Henry, 145 n.
Germany, import trade of England with, 56; factors which hampered the trade with, 58.
Gilbert, Adrian, patent of, 182, 187 n., 225.
Gilbert, Sir Humphrey, 6, 9, 62, 288, 296; on colonization and population, 37; joint trading contract of, 183–184; provisions of charter held by, 225.
Ginger, duties on, imported from colonies, 408; West Indian production of, 412, 414 n.
Glassworks, attempt to erect, in Virginia, 244.
"Golden Fleece," William Vaughan's, 221 n.; citations of, 5, 42, 80 ff., 213, 265 n., 274 n., 289, 294.
Goodwin, John, 214 n.
Gookin, Daniel, 383 n.
Gorges, Sir Ferdinando, 18 n., 30, 271; "Briefe Narration" by, cited, 10, 18, 20, 30, 32 ff., 107 ff.; on emigration to New England, 32 n.; on colonization and population, 38; amount spent by, in attempted colonization, 222 n.; patent of, 272–273, 275; appointed a commissioner for Virginia, 308; quoted on appointment of Laud commission, 316 n.; on government of Massachusetts, 325; appointed Governor of New England, 329.
Goring, Lord, tobacco monopolist, 154–155, 158–160, 162–163, 168, 171.
Gosnold, voyage of, 271.
Gray, Robert, pamphlet by, quoted, 39.
Grene, Giles, cited, 343.
Grotius, quoted on private and public warfare, 7 n.; on colonization, 17 n.
Guernsey, tobacco-planting in, 165 n.

Guiana, Raleigh in, 9; Charles Leigh's colony in, 13; other early English colonies in, 13–16; tobacco produced in, 88.
Guiana Company, the, 15–16; patent of 1627, 188 n., 300.
Guinea Company, the, 220.
Gum, West Indian, exported to England, 265 n.
Guy, John, Governor of Newfoundland Company, 185; founder of colony of Newfoundland, 291.

Hakluyt, Richard, cited, 6, 7, 27, 38, 55, 57 ff.; hopes of, regarding precious metals in America, 54, 55; "Discourse concerning Western Planting," 57; urges retention of Newfoundland, 288.
Hammond, John, quoted, 414 n.
Harcourt, Robert, colony of, in Guiana, 13, 88.
Harvey, Sir John, Governor of Virginia, 199, 254, 311 n., 317 n., 343 n.; quoted, 217, 232–233; deposition of, 234 n., 317 n., 322–323; salary of, 320.
Haslerig, Sir Arthur, 347, 420.
Hawkins, John, 7, 178 n.
Hawkins, William, 7.
Hawley, Jerome, Treasurer of Virginia, 207–208, 210, 322; quoted on production of tobacco, 100 n.
Hawley, Governor of Barbados, 332.
Heath, Sir Robert, Attorney-General, 27 n., 198; commissioner for Virginia, 312; for West Indies, 333.
Hemp, raising of, in New England, 286.
Henrietta Island, settlement of, by Providence Island Company, 264 n.
Herbert of Cherbury, Lord, use of tobacco by, 78.
Herring fisheries, Dutch, 62, 269 n., 372–373; Newfoundland, 240.
Herrings, England's prohibition of exportation of, in foreign ships, 240, 385 n.
Holland, proposed shipment of Virginia tobacco to, 120–121.
Holland, Earl of, member of Providence Island Company, 12 n.
Horses, importation of, to West Indies, 415–416.
Hunckes, Henry, Governor of Barbados, 333.

Import trade, England's, 56–57; relief from, in colonial expansion, 59–61.
Impost duties, 103–104; on tobacco, 108–109, 170 n.
Indentured labor, system of, 50–51.
Inderwick, F. A., quoted, 414 n., 420.
Indians, expected trade with North American, 72; enslavement of, 266, 267 n.; sale of arms to, 274, 276, 278; fur trade with, 283; question of protection of colonies against, 320.
Indigo, West Indian production of, 412, 413, 414 n.
Ingle, Richard, privateersman, 353.
Inspection by English government of importations, 118–119.
Ireland, tobacco grown in, 113 n.; tobacco-raising prohibited in, 126, 136, 152, 174 n.; Virginia exchanges tobacco for cattle from, 191.
Iron industry, attempted, in Virginia, 247–428.
Ivory, importation of, from Africa, 266.

Jacob, Abraham, collector of tobacco impost, 111 n., 145 n.; obtains tobacco monopoly, 118.
Jacob, Sir John, farmer of tobacco duty, 111 n., 171 n.; royal commissioner for West Indies, 333.
Jamaica, seizure of, by English during the Commonwealth, 378; attempted removal of New Englanders to, 383 n.; supplies for, obtained in New England, 416; appointment of committee for, 421.
James I, letters patent for colonization of North America issued by, 10–11; opposition of, to production and use of tobacco, 81–82; regulation of tobacco industry by, 117–142; death of, 142; policy of, of excluding foreigners from colonial trade, 238–239.
Jersey, tobacco-planting in, 165 n.
Johnson, Alderman, 129.
Joint trading system, 183.

Kaynell, Christopher, Governor of Antigua, 364 n., 393, 410, 422 n.
Kemp, Richard, Secretary of Virginia, 155, 207–208, 317 n., 343 n.; quoted, 250 n.
Kennebec River district, patent for, 419.
King, William, tobacco official, 168.
Kirke, Sir David, 21, 23, 352, 420; Governor of Newfoundland, 293; removed by Commonwealth, 370.
Knyvett, Sir Henry, quoted, 35 n.

Laud Commission of 1634, 312–313, 328.
Lawsuits, settlement of colonial, 334–335.
Lawrence, Henry, President of Council, 406, 407.
Leeward Islands, production of tobacco in, 89; in Earl of Carlisle's grant, 264.
Lechford, "Plain Dealing" quoted, 284 n., 285 n.
Leigh, Sir Oliph, 12 n.
Levant Company, the, 178 n., 220, 238 n.; nature of charter of, 181–182.
Leverett, John, quoted, 383 n.
Ley, Sir James, declares Virginia Company's charter forfeited, 307.
Licenses for retailing of tobacco, 161–165, 173, 346 n.
Lignum-vitæ exported from Barbados, 412 n.; importation of, in 1662, 414 n.
Ligon, Richard, writer on Barbados, 412 ff.
Limbrey, Captain, 422.
Logwood, importation of, to England prohibited, 209–211.
London Company, petition of, 26–27, 40–41.
Lumber, sent from Virginia to England, 242, 249; from New England, 287; importation of, to West Indies, 415–416.

Madeira, lumber exported from New England to, 287; trade of Massachusetts with, 416–417.
Magazines, Virginia Company's, 224 n.
Maine charter of 1639, 227 n., 300, 331, 337.
Malynes, Gerard de, on colonization and population, 36; on possession of precious metals, 53 n.; on tobacco, 79–80, 81 n.
Manufacturing, of cloth, in New England, 285–286; progress in, in Massachusetts, 416.
Mardyke, English capture of, 379.
Marking of tobacco, 137.
Maryland, colony of, established, 11; tobacco the staple crop of, 87 n., 258; charter of, quoted, 187; restriction on exports of, 211; economic development of, 257–258; nature of patent of, 300; during the Civil War, 349–350, 353–354; under the Commonwealth, 368–369.
Mason, John, amount spent by, in attempted colonization, 222 n.; cited, 292; Vice-Admiral of New England, 337.
Massachusetts, backwardness of emigration to, 47; opposition to tobacco in, 82–83; trade with New Netherland, 229; corn shipped from Virginia and Maryland to, 249 , 258; provisions exported from Bermudas to, 262 n.; enslavement of Indians in, 267 n.; economic development of, 281 ff.; nature of settlement of, 325–327; relations between home government and, 325–331; autonomy of, under Long Parliament, 348–349; during the Commonwealth, 362 n., 369; question of seizure of foreign ships trading to, 397–398; West Indian trade of, 416; creation of Council of Trade by, 420 n.
Massachusetts Bay Company, 11; religious purpose in colonizing claimed for, 28; incorporation of, 276; charter of, 324.
Masts, supply of, from New England, 381, 416 n.
Mathews, Samuel, Governor of Virginia, 367, 368 n., 404, 406.
Mercantile marine, effect of colonization on, 73–74; development of, by exclusion of foreigners from colonial trade, 237; influence of fishing interests on, 268–269, 287, 370; development of, one purpose of Navigation Act of 1651, 385–386.
Mines, hopes of discovery of, in America, 53–55.

Modyford, Colonel Thomas, 295 n.
Monopolies, under the Stuarts, 117; held by trading companies, 220–221.
Monopoly, Council of New England and the fishing, 272–273, 275–277.
Monopoly system applied to tobacco, 173.
Montgomery, Earl of, grant of West Indian islands to, 12 n.
Montserrat, colonization of, 12; seizure of foreign ships at, 393.
Mun, Thomas, pamphlet by, 269 n.
Muscovy Company, the, 6, 58, 64, 220, 221, 225 n., 238 n.; trade monopoly granted to, 180.
Myngs, Captain, seizure of foreign ships by, 391.

Naval Office Lists, 207 n.
Naval stores, importation of, to England, 56; America suggested as source of supply for, 65; special attention to development of colonies which could furnish, 75–76; New England as a source of, 279–280; expectation of, from Newfoundland, 289; dissensions with Dutch over obtaining, 373–375.
Navigation Act of 1651, 374; provisions of, 385–386; colonial and English shipping on equal footing under, 411.
Navigation acts from Richard II to James I, 238–239.
Navy, English, effect of colonization on, 73–74; fisheries considered to be mainstay of, 269–270; merchant vessels an important part of, 270 n.; use of, for protection against Barbary pirates, 319–320; instrumentality of, in seizing foreign ships trading to colonies, 399–400.
Negroes, African, trade in, 7, 415.
Negro slaves, Dutch introduce, to Virginia, 231.
Negro slavery, economic feature of institution, 265–266; in West Indies, 415.
Nevis, colonization of, 12; taken by Spanish (1629), 23.
New England, exploration of, 11; fisheries of, 11, 63, 268, 270–271; reasons given for settlement of, 41; proposed supplies to England from, 69–70; trade with New Netherland, 212; provisions of charters of, 226, 227; supplies shipped to, from Bermudas, 262; negro slave labor unprofitable in, 266–267; nature of work of colonization in, 267; economic development of, 268–288; patent incorporating Gorges and associates as Council of, 272; proposed supply of naval stores from, 279–280; ship-building in, 282–283; commercial crisis in, after Long Parliament, 284–285; trade with West Indies, 286; colonies in, under the Commonwealth, 369–370; proposed removal of colonists to Jamaica, 383 n.; foreign ships trading to, 397–399; exemption of trade of, from duties, 409–410; supplies exported from, to West Indies, 416.
Newfoundland, settlement of, 11; friction between English and French in, 21, 23; fisheries a motive for colonizing, 62–63 (*see* Fisheries); freedom of, from restrictions on export trade, 212–213; English fishermen resorting to, 270–271, 288, 336; economic development of, 288–294; feud between fishermen of colony and English fishermen, 290; statistics of fisheries of, 292–293; nature of charter of 1610, 299–300; charter of 1637, 321 n.; under the Commonwealth, 370–371.
Newfoundland Company, provisions of charter of, 185, 226.
New Netherland, attitude of England toward Dutch in, 22–23; trade of Massachusetts with, 229; Cromwell's proposed expedition against, 377; horses exported to West Indies from, 415 n.
Newport, Christopher, 185.
Nicholas, Sir Edward, quoted, 390 n.
Noell, Martin, 422, 423.
North, Captain Roger, 14–15, 88; patent of, 331.
Northeast passage, search for, 5–6, 60, 180, 182.
"Nova Britannia," pamphlet, 10 n., 39; cited, 61, 68 n.; quoted, 72 n.
Nova Scotia, patent of 1621, 187 n., 226 n., 336 n.; captured for England by Major Sedgwick, 377; exemption

of trade of, from payment of customs duties, 410.

Officials for administering colonial affairs, 334; under the Commonwealth, 418–421; under the Protectorate, 421–423.
Orient, English trade to, 56, 373–375.
Osgood, H. L., quoted, 328 n.
Otter skins, exported from New Plymouth to England, 281; importation of, to England in 1662, 414 n.
Overpopulation in England, and emigration, 35–52.
Oxen, exported to West Indies from Virginia, 417.

Pack, Michael, 363 n.
Parliament, contention between Crown and, concerning government of colonies, 300–302; colonial affairs which came before, 302–303; and colonies during the Civil War, 340–359.
Pauperism, advent of, in England, 44–45; colonization as a remedy for, 45; economic conditions causing, 51.
Peckham, Sir George, 6; cited, 27; quoted on colonization, 37.
Penington, Captain John, 199–200.
Penkevell, Richard, patent of, 186, 225 n., 299–300.
Penn, Admiral, foreign ships seized by, at Barbados, 390.
Pindar, Sir Paul, farmer of tobacco duty, 171 n.
Pirates, dangers from, 58, 213, 221, 319–320.
Pitch from New England, 279.
"Planters Plea," pamphlet, 28, 29, 41, 69, 325.
Plymouth, settlement of, 11.
Poland, import trade of England with, 56.
Population, of Barbados, in 1636, 264; in 1656, 412; of Virginia in 1624, 306 n.; increase of colonial, during the Commonwealth, 412.
Portugal, advantages to, resulting from discovery of America, 3; Newfoundland fish sent to, 212–213; trade of Massachusetts with, 416.
Pory, John, quoted, 243 n.
Potash, importation of, to England, 56; supply of, from Virginia, 242, 248.
Povey, Thomas, member of committee to manage colonial affairs, 422, 423.
Preferential system, 342, 344, 403.
Pring, Martin, voyage of, 271.
Privy Council, commissioners for administering colonial affairs subordinate to, 308–310, 312–316, 334.
Protection, of colonies by England, 17, 24, 319–320.
Protectorate, administration of colonies under, 421–424.
Providence Island, cost of transportation from England to (1632), 49 n.
Providence Island Company, the, 12, 89, 300, 305 n.; contest between Spanish and, 20; trade of settlements of, to Holland, 212 n.; expenditure of, in colonization, 223 n.; objects to Dutch trade with colony, 228–229; economic development of, 264–265; islands colonized by, 264 n.
Pym, John, member of Providence Island Company, 12 n.; report by, on tobacco duty, 169–170; member of Warwick Commission, 347.

Quit-rents, system of, in Virginia, 322.
*Quo warranto* suit against Massachusetts patentees, 329.

Raleigh, Walter, colonizing activities of, 9, 14, 297; provisions of charter held by, 225.
Rebates, system of, 203–204, 215–216, 342 n.
Receiver general of augmented revenue in America, office of, 334 n.
Redwood, importation of, from Africa, 266.
Religion and colonization, 27–30.
Rhode Island, appointment of Coddington as Governor, 369; foreign ships allowed to trade to, 398.
Rich, Sir Nathaniel, 129; and Virginia Company dissensions, 305 n.
Roberts, Lewes, pamphlet by, 217 n.
Robinson, Henry, quoted, 270 n., 294 n., 384 n.
Roe, Sir Thomas, 13, 88, 118, 270, 312.

Russia, import trade of England with, 56; reasons for decline of trade with, 58; use of tobacco prohibited in, 82; inauguration of commercial relations between England and, 180; monopoly of trade to, 220.

St. Christopher, English colonization of, 12; friction between English and French in, 21 n.; taken by Spanish (1629), 23; production of tobacco in, 89 n.; restrictions on export trade of, 212; in Earl of Carlisle's grant, 264; foreign ships trading at, captured, 390–391; tobacco displaced by sugar, indigo, and cotton in, 413.
St. John, Oliver, patentee of Providence Island Company, 12 n.; member of Committee of Trade and Foreign Affairs, 419 n.
Salt, importation of, to England, from southern Europe, 56; America suggested as source of supply for, 65.
Saltonstall, Sir Richard, quoted, 47; on naval stores from New England, 279 n.
Saltpetre, importation of, to England, from Far East, 56; from Virginia, 248.
Sandys, Sir Edwin, 47, 115, 121, 127, 135, 194, 224 n.; succeeds Smythe as Treasurer of Virginia Company, 304.
Sandys and Smythe factions of Virginia Company, 128 ff., 245 n., 304–307.
Sandys, George, cited, 61.
Sassafras, exported from Virginia to England, 242, 243.
Say and Sele, Lord, member of Providence Island Company, 12 n.; member of Warwick Commission, 347.
Scotch excluded from trade to colonies, 237 n.
Sea power, effect of colonization on, 73–74; development of, under the Commonwealth, 372–375.
Searle, Daniel, 363 n., 364; quoted, 389.
Secretary of State, position of, in administering colonial affairs, 334.
Sedgwick, Major Robert, 377.
Seed-pearls exported from Bermudas to England, 259.
Seizures of foreign ships under the Commonwealth, 388–395.
Ship-building, in Bermudas, 263; in Massachusetts, 282–283.
Shipping interests, colonization and, 73–74, 237–238; bearing of fisheries on, 269–270, 287.
Silk, importation of, to England, 56; attempted culture of, in Virginia, 418.
Smith, Captain John, cited, 12, 13, 15, 20 ff., 278 n., 279; quoted, 63 n., 242 n., 276 n.; on value of New England fishery, 271; Admiral of New England, 336 n.
Smuggling of tobacco, 120 n., 146 n., 151 n., 216 n.
Smythe, Sir Thomas, head of Virginia Company, 304; appointed a commissioner for Virginia, 308.
South America, English colonization of, plans for, 13.
Spain, advantages to, resulting from discovery of America, 3; conflict between England and, 6; treaty of 1604 ends contest with England, 10; attitude of, toward English colonization of America 18–20; tobacco of, imported into England, 126 n., 146–147, 342, 344; Newfoundland fish sent to, 212–213; discrimination against tobacco of, in England, 342, 344; attitude of, toward English Commonwealth, 376; war between Commonwealth and, 378–379; trade of Massachusetts with, 416.
Spice Islands, English trade to, 60, 374.
Spices, governmental inspection of, 118–119.
Spiller, Sir Henry, tobacco commissioner, 167; royal commissioner for West Indies, 333.
Stone, Thomas, Virginia trader, 233.
Sugar, importation of, to England from southern Europe, 56; establishment of industry in West Indies, and effect on growth and population, 264, 412–413; West Indian supply of, 382; duties on, imported from colonies, 408.
Sweden, import trade of England with, 56; embassy to, and commercial treaty with (1654), 388.

Symonds, William, sermon by, quoted 39 n.
Syndicates, Virginia Company's, 224 n.

Tar, production of, in New England, 381 n., 416 n.
Taxes, Crown's right to, in Virginia, 321–322.
Thompson, Maurice, a Virginia trader, 233.
Timber, from New England, 279, 287–288; in Bermudas, 413–414.
Tobacco, introduction and early use of, in England, 78–79; opposition to, 79–85; history of, in Virginia, 85–87, 242–244; prices of (1598–1619), 86 n., 92–97; in other colonies than Virginia, 87–90; restriction of production of, 95–100; duties on, imported into England from colonies, 108–109, 215; figures of importations of, into England, 109–110; production of, in England, 113, 165, 404–408; early application of monopoly system to, 117–118; right of inspection and sale of, 118–119; smuggling of, 120 n., 146 n., 151 n., 216 n.; prohibition of growth in England, 126, 136, 152, 403; cost of manufacturing (1628), 138 n.; regulation of industry by James I, 117–142; by Charles I, 142–171; licensing of retailers of, 161–165, 173, 346 n.; destruction of crops grown in England, 167–168, 404–408; proceeds of duties on, 169–171; limitation of importations to England to 55,000 pounds, 189; contract of 1622, 193; the standard of value in Virginia, 252; a staple crop in Maryland, 258; opposition to prohibition of growth in England, 404–408; displaced in West Indies by sugar, indigo, and cotton, 413.
Tobacco-marking, 137.
Tobacco monopoly, 117–118, 125, 173, 189; granted to Virginia and Bermuda companies, 125–128.
Tonnage and poundage duties, 103–105.
Tonnage and poundage bill, 105.
Tortuga, settlement of, by Providence Island Company, 264 n.
Trade: Board, Councils, and Committee of, 337–339.
"Trades Increase, The," pamphlet, 59.
Trading companies, 178, 220–221; charters issued to, 182–186; protection of ships and traders one reason for, 221 n.; capital supplied by, for colonization, 222–223; forbidden to use foreign vessels, 238–239.
Treworgie, John, Governor of Newfoundland under the Commonwealth, 370.
Tropical colonization, ethical motive for, 29; economic cause of English tendency toward, 76; advantages of, appreciated by Cromwell, 382.
Tucker, Captain William, a Virginia trader, 232–233.
Turkish trade, England's, 56, 58.
Turnor, Governor of Bermudas, 360.

Unwin, "Industrial Organization" by, cited, 59.

Vagrants as colonists, 48.
Vane, Sir Henry, member of Warwick Commission, 347; member of Committee of Trade and Foreign Affairs, 419 n., 420.
Vaughan, William, "Golden Fleece" by, cited, 5, 42, 80 ff., 213, 289; quoted, 42 n.; on tobacco, 80, 265 n.; on Gorges's patent, 274 n.; on Newfoundland, 294.
Vines, planting of, in Virginia, 244, 246, 247, 248.
Virginia, colonization of, 11; Spain's attitude toward English settlement of, 18–19; reasons given for settlement of, 26, 28, 38, 39–41, 67–69; difficulty in getting settlers for, 46–48; assisted emigration to, 47–48; cost of transporting emigrants from England to, 49–50; hope of short route to the Pacific and, 60–61; early history of tobacco in, 85–87; prices established for tobacco in, 92–97; question of restricting exports of, to England only, 189 ff., 197–210; provisions of charters of, 226; policy of exclusion of foreigners from trade, first applied in, 231; economic development of, 241–257;

population of (1616–1640), 250; standard of value and circulating medium in, 251 ff.; negro slavery in, 266; white and negro population in 1649, 266 n.; fishing voyages from, 271; charters of, 297–307; Royal Council of 1606 for, 297–298; administrative system of, 297 ff.; population of, in 1624, 306 n.; Privy Council directs affairs of, 307 ff.; commissions for administration of, 308–310, 312; authority of Crown over, exercised by Governor and Council, 318; during Civil War, 350, 354–355; opinion in, of execution of Charles I and rights of Charles II, 360–361; under the Commonwealth, 366–368; seizure of foreign ships trading to, 394–395; effect of introduction of West Indian sugar industry on, 417–418.

Virginia Company, the, 47–48; tobacco monopoly and, 119–128; petitions against tobacco monopoly in England, 120; decides to ship tobacco to Holland, 120–121; dissension in, over tobacco monopoly, 128–129; loss of charter, 134; provisions of charter of, regarding shipment of products, 184; charter of 1609, 185; expenses and finances of, 222–223; syndicates or magazines of, 224 n.; factional quarrels in, 304–307; charter of, forfeited, 307.

Wales, production of tobacco in, 406 n.

Warner, Sir Thomas, 12; Governor of St. Christopher, 332.

Warwick, Earl of, patentee of Providence Island Company, 12 n.; connection with Virginia Company, 305 n.; Lord High Admiral under the Parliament, during Civil War, 347 ff.

Warwick Commission, appointment of, and members, 347; revocation of powers of, 418.

Warwick-Smythe party in Virginia Company, 128, 245 n., 304–307.

Washington, George, parliamentary adherent in Bermudas, 365 n.

West, Francis, Admiral of New England, 275.

West Indies, early English colonizing activities in, 12–13; Earl of Carlisle's grant of islands of, 12, 264, 321 n., 332–333; Spanish opposition to English in, 20; production of tobacco in, 88–90, 144–145; attempted limitation of tobacco production in, 98–100; cotton grown in, 99, 265, 412, 413, 414 n.; sugar industry in, 264, 382, 412–413; statistics of population, 264, 412; negro slavery in, 266, 415; New England trade with, 286, 416; authority of Parliament in, during the Civil War, 351–352. *See* Barbados, St. Christopher, *etc.*

Weymouth, George, voyage of, 271.

Whitbourne, Richard, quoted, 336 n.

Whitelocke, Bulstrode, embassy of, to Sweden, 388; member of Committee of Trade, etc., 419 n., 420.

"White man's burden" idea, 29.

Willoughby, expedition under, 5, 180.

Willoughby, Lord, Governor of Earl of Carlisle's islands, 351–352; supplanted by parliamentary Governor, 363.

Winchcomb, defence of tobacco crops grown in, 405–407.

Windward Islands, in Earl of Carlisle's grant, 264.

Wine, importation of, to England, 56; America suggested as source of supply for, 65.

Winslow, Edward, agent of New England, 410.

Winthrop, Henry, quoted, 89 n.

Winthrop, John, quoted, 284.

Winthrop, John, Jr., quoted, 398, 399.

Wolstenholme, Sir John, farmer of customs, 145 n., 153, 233; farmer of tobacco duty, 171 n.; commissioner for Virginia, 312; commissioner for West Indies, 333.

Wood, Roger, Governor, 98 n., 262.

Woodhouse, Governor of Bermudas, 140.

Wormeley, Christopher, 343 n.

Wyatt, Governor of Virigina, 140, 231, 232 n., 309, 317.

Yeardley, Sir John, Governor of Virginia, 91 n., 148, 150, 247, 253, 311 n.

Young, Thomas, patent of, 227 n.

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